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The Shape of Things

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RECAPTURE OF BRUNETE BY THE REBELS HAS temporarily dashed the Loyalists' high hopes of lifting the siege of Madrid. Although it is too soon to say whether the rebel gains have been worth the fearful price that has been paid for them, any loss of ground is bound to be disappointing after the early promise of the government's offensive. Madrid has made no secret of its surprise at the strength of the insurgent counter-offensive. The strengthened Loyalist armies have been faced by new contingents of Moors and Italians, and have had to contend with large fleets of the most modern aircraft, such as were not in the rebels' hands even a few weeks ago. While England and France have debated the advisability of sending supplies, the fascist countries have poured in millions of dollars' worth of munitions for what they believed would be the final drive on Madrid. In the hope of maintaining this situation, the fascist powers have cleverly played for time on the international front, accepting the British compromise proposal for the withdrawal of "volunteers" in principle but imposing every obstacle to the discussion of practical plans for achieving this end. This strategy has been somewhat offset in Britain, however, by the signing of a commercial agreement between Franco and Germany, and by confirmation of the fact that the rebels, with German and Italian aid, had placed guns in a position to dominate the Strait of Gibraltar. Eden's speech in Commons warning Italy against attempting to dominate the Mediterranean suggests that British imperial interests are not yet wholly forgotten. A Loyalist victory might jog Britain's memory.

*

THE KILLING OF SOME FIFTY JAPANESE Embassy guards at the southwest gate of Peiping by Chinese troops defending the city has again brought North China to the brink of war. For a few days it seemed as if Nanking would quietly accept the terms of surrender forced upon General Sung Cheh-yuan by the Japanese. But subsequent developments illustrate the marked difference between the present-day political atmosphere in China and that which existed at the time of the notorious Tangku truce in 1933. Despite General Sung's orders, members of the 30th and 37th divisions refused to withdraw from their positions in the vicinity of Peiping, while Nanking dispatched Hsiung Pin, vice-chief of its general staff, to bolster the morale of the anti-Japanese officers of these divisions. Further reinforcements from

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the central government continued to pour into southern Hopei to match the huge Japanese reinforcements from Korea and Japan. Heedless of these obvious storm warnings, the Japanese continued their provocative tactics. After the Sung agreement had been reached, they shelled the Wanping barracks west of Peiping, inflicting heavy damage, and staged an impressive aerial display over the city. A few days later Japanese planes bombed Chinese barracks at Langfang, midway between Peiping and Tientsin, and additional Japanese troops were illegally dispatched to Peiping. Peace is still possible if China will submit to Japan's terms, but the possibility becomes more remote with every act of Japanese arrogance.

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WHEN SENATOR NYE CALLS THE LABOR Relations Board a C. I. O. adjunct, and when Representative Rankin accuses it of "conspiring with communistic influences to destroy industry," neither set of charges will bear scrutiny. The sufficient answer to Senator Nye would be to set him the rigorous but cleansing task of reading the evidence and findings in every Labor Board case since the C. I. O. was established and challenge him to match the board's record with that of any other body for absence of bias and for painstaking respect for facts. And Mr. Rankin should be asked to read before the House the disclosures about peonage in the Mississippi cotton mills made last year by Southern and Northern journalists alike. But neither desires that sort of answer. Mr. Nye, a reputed liberal for his munitions investigation, has national ambitions. Mr. Rankin, a reputed liberal for his T. V. A. sponsorship, has local worries. Both are piling up conservative political credit by joining the attack on the agency whose integrity is dangerous to the American business Bourbons.

✶

IT WOULD BE A SAD MISTAKE TO THINK OF the dog-eat-dog mayoralty fight among New York Democrats as a struggle between New Dealers and anti-New Dealers. While there is no question about the bitter anti-Roosevelt stand of Candidate Copeland and his Tammany backers, it is the sheerest effrontery for the other Democratic leaders to offer Grover Whalen as a pro-Administration progressive. At best the intra-party battle is no more than a squabble between those who feel that City Hall can be recaptured for Tammany by an alliance with Republicans and Liberty League reactionaries and those party leaders who see more hope in lending lip-service to Washington in return for the powerful support of the national machine. It is important that such support be withheld. The picture of Dr. Copeland piping Tammany back into green pastures is more appalling than probable. The Hall at present is hardly strong enough to dictate the Democratic nomination, much less win an election, and the sudden death of James J. Dooling will probably weaken Copeland's candidacy still further. The fight now promises to become a three-way affair, with Whalen for the Flynn-Farley Democrats, La Guardia for the New Deal, and Copeland for an impending alliance between the Republicans and Tammany Hall. In a battle of that sort the New Deal and all its works will be the real issue. Only a desperate belief that Roosevelt's popularity is on the wane could induce the local Republican machine to jettison La Guardia, as they now seem ready to do, and merge their forces with the anti-New Deal Democrats of Tammany. With such a line-up in prospect and such an issue at stake, La Guardia has every claim to whatever aid Washington can afford.

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ALABAMA'S ACTION IN FREEING FOUR OF THE nine defendants in the Scottsboro case came as welcome news after six and a half years of seemingly hopeless struggle to obtain elementary justice in the Southern courts. The importance of the victory may be judged from the fact that it has been only a few days since the state announced its determination to demand the death penalty for all but one of the Negroes. But the battle is only half won. One of the defendants, Clarence Norris, is still under sentence of death; another, Andy Wright, is faced by a ninety-nine-year sentence; while two of the others, Haywood Patterson and Andy Weems, face seventy-five years' imprisonment. Ozie Powell was cleared of the charge of rape, but sentenced to twenty years for his attack on Deputy Blalock. From the standpoint of justice, Alabama's position is even less tenable than before. The evidence against the four who were convicted was identical with that against those who were released, consisting solely of the unsupported, and frequently contradictory, testimony of Victoria Price. For some months rumors have been heard of a compromise agreement to free the boys on terms which would save the face of the Alabama authorities. But the final outcome does not appear to have resulted from any such bargain. Justice demands that the fight be continued until the state of Alabama not only frees all of the Negroes but makes some amends for their six and a half years in prison.

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THE NAZI TALENT FOR MAKING ENEMIES HAS been getting a pretty thorough workout in the United States in the past few weeks. When the American Hitlerites manage to draw sparks from the Veterans of Foreign Wars and the American Legion, they are getting places. And when they provoke the labor-baiting Representative Dies of Texas into demanding an investigation of their "un-American" activities, they may be said to have arrived. The starting point of the inquiry would be the Nazi camps. Foremost among these camps, now twenty-one in number, is Nordland, at Andover, N. J., operated by the German-American Bund and the weekly scene of heiling, parading, saluting, and general swastika-worship, with beer and gymnastics on the side. Apparently the week-enders don't know where to stop, for feeling in the Jersey countryside is running high. August Klapprott, state leader of the Bund, even accuses the Legion of planning an invasion of Nordland. In his simple Nazi way Herr Klapprott warns: "If there is going to be any physical action by any of these private organizations, they would not get away alive." We can hardly be accused of siding with the Legion in its periodic outbursts against

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"un-Americanism," but when it comes to foreign military groups organizing in this country, we can only support the veterans' demand for a genuine investigation. By that we do not mean a sweeping heresy hunt, such as we fear Mr. Dies has in mind, but a realistic inquiry conducted by a man of Senator Borah's caliber.

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THE ACTION OF THE HOUSE OF COMMONS in passing the buck to the League of Nations in the matter of the Palestine partition plan suggests that it will be drastically modified before adoption. Since the pressure against the plan has come primarily from the Jews, it is probable that the territorial lines will be altered to their advantage. Fear of Italian influence over the Arabs may also lead to readjustments further protecting Suez and Egypt from attack by the new Arab state. It is significant, however, that in the welter of discussion over the Royal Commission's report no one has come forth with an alternative proposal which has the slightest prospect of success. For Jews and Arabs alike, the only practical line of procedure has become that of obtaining as many concessions as possible in their favor. From the standpoint of abstract justice, the delay in the final decision might seem welcome as a means of obtaining necessary adjustments in the program; actually, however, each week the plan is debated only intensifies the bitterness on all sides and increases the danger of serious outbreaks.

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CONGRATULATIONS ARE BEING HEAPED ON the pertinacious A. P. Herbert, the English humorist and novelist who came to the House of Commons on a divorce-reform platform and who stuck to his bill until opposition melted and public opinion swung to his side. Without government support and against the resistance of the church the bill slowly made its way through the Commons and the Lords, emerging slightly battered and amputated but still a reform. By adding other grounds to the historic single ground of adultery, the new law should greatly reduce the practice of collusion and false evidence which had developed into a major trade under the old code. Under Mr. Herbert's bill as passed, divorce may be granted for desertion over a period of at least three years without cause, for cruelty, and under certain limitations for incurable insanity. It is easy to lament the serious operations performed on the measure in the House of Lords, but its final terms mark so striking an advance not only over previous English law but over prevailing practice in most of the United States that it deserves the general enthusiasm with which it has been received.

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PRESIDENT MANUEL QUEZON'S HINT THAT the Commonwealth might welcome a substitute for the Tydings-McDuffie Act has been interpreted in many circles as proof that the Filipinos do not really want independence. A close reading of Quezon's statement reveals the falsity of this interpretation. His objections to the present status are based not on the pitfalls of self-rule, or even on the "Japanese menace," but on the fact that Congress has made a half-dozen alterations in the terms of the Independence Act, all of them unfavorable to the Filipinos. Quezon's remedy against a continuation of these arbitrary and unfair changes is not a prolongation of American rule, as was suggested in the Scripps-Howard press, but the granting of immediate independence. Under the present arrangements the Filipinos feel that they are suffering many, if not most, of the economic disadvantages of independence without having the privileges of complete self-rule. If Congress was really sincere in its solicitude for the Filipino people, instead of being motivated primarily by a desire to exclude Filipino products, it would accede to President Quezon's request for full freedom by 1938.

The Pack in Full Cry

THE defeat of the court plan is the most drastic blow the New Deal has thus far suffered. There can be no flinching from that fact, either by the President's immediate supporters or by those whose social objectives, while more far-reaching than his, nevertheless include his. We are aware that the principal feeling of most of the public, including our readers, is one of relief at the ending of a bitter and fruitless struggle. But a lifting of tension is not the same as a solution of difficulties. Perhaps we are bleary-eyed with too much reading of Senatorial statements and editorial rejoicings; but the outstanding thing our eyes encounter as they survey the national scene is the reactionary pack in full cry after the New Deal. And the taste of blood is not likely to slow them up in the pursuit of their quarry.

To be sure, there is a brave show of concord on both sides. Jack Garner, treason or no treason, is back in the councils. Ed Burke of Nebraska is given a Presidential handshake with special warmth. Everywhere there is forgiveness and gentlemen crying, "Peace, peace." But there is no peace. When President Roosevelt talks of having partially achieved the objective of court reform through the changed tenor of the court's recent decisions, he is only putting the best face possible on his defeat. We agree with Mr. Allen, in his article elsewhere in this issue, that Mr. Roosevelt is by no means through with court reform—not court reform in the sense of the shotgun liberalism of the recent decisions, nor the purely procedural "reform" that is now being discussed, but in the sense of making the court responsive to the national will without going through a major constitutional crisis each time. It is true that something has been gained by the court's change of heart; and that the judges will think twice in the near future before they invalidate another important New Deal measure. But the real gain thus far lies not in the liberalization of the court but in the education of mass opinion. Despite the middle-class pressure brought against the bill, it is still true that the common man knows a good deal more than he once knew of the role the court plays in our economic

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system. And it is upon this knowledge that the real court reform of the future must depend.

So much for the President's side. The opposition is even clearer in its reluctance to accept the status quo. There are already ample signs of a movement against the New Deal as a whole. For those who care about the program which has been held up in the legislative log-jam, the immediate prospect is one to arouse despair. Undoubtedly there will be a good deal of talk of "constructive" legislation, carried out in a new spirit of harmony. But we are ready to climb out on a limb and risk the prophecy that the "constructive" legislation will be mainly desultory where it is not actually harmful.

Even when the Administration program is whittled down to a shadow of its former self, it still leaves certain measures that ought not to be held over for another session. Our own seven-point program, modest enough from a progressive standpoint, would run somewhat as follows: an adequate Black-Connery wages-and-hours bill; an adequate farm program to replace the AAA, including a farm-tenancy measure; an adequate housing bill; the Norris proposal for a network of T.V.A.'s to deal with the problem of conservation and electric power; a bill plugging the loopholes in the tax laws; an anti-lynching bill; and a bill reconsidering our neutrality policy in the light of developments in Spain and China. Last January, when Congress first convened, we hopefully published a fourteen-point program for its consideration. Now in mid-summer, with every force lined up on the side of adjournment, we know the country must go on half rations. But we realize that even the seven measures enumerated above stand little chance of enactment. The tax-loophole bill may go through; a housing act and a farm-tenancy act seem almost certain of passage, but in a form that drastically compromises the essential principles behind both; the Black-Connery bill, tragically meager as it is now, stands relatively little chance against the opposition of big enterprise; it would be utopian to expect the Norris proposal successfully to buck the utility interests; as for the farm bills, there seems a hopeless split between Secretary Wallace and the heads of the Congressional committees on agriculture—a split which is likely to doom any substantial legislation in this field; an anti-lynching bill, after the surprisingly good showing it made last week in the form of the Copeland rider to the McCarran freight-car bill, stands a fair chance of passage; finally, anything as valuable and socially conscious as a revision of the neutrality act seems almost incongruous amid the Washington shambles today.

Undoubtedly, adjournment will win the day. But adjournment is only the rhetoric to conceal the sabotaging of the New Deal program. The biggest drive today is the drive to take the country off the New Deal standard. The New York *Herald Tribune* tells Congress, editorially, that it has just two more mandates: one is to revise the Wagner Act; the second is to adjourn and go home. A Boston paper last week ran the alarmist headline that Mr. Roosevelt actually meant to go on with the New Deal. Walter Lippmann's new crusade is against the Black-Connery bill. Amos Pinchot's latest open letter to the President is important only as a sign of what is happening. It links the Black-Connery labor-standards bill and the government reorganization proposal along with the court bill as dictatorial measures. One letter remains for Mr. Pinchot to write, and we know he will write it: a letter pointing out that if Mr. Roosevelt does not take the lead in revising the Wagner Act, it will be because he and John Lewis are planning to divide the country into two dictatorship satrapies.

We have said from the beginning that more was involved in the opposition to the court bill than the court bill itself. We believe our analysis is being proved true. Exactly the same forces that started the cry against the court bill are now starting the cry against the Wagner Act and against further extension of the New Deal. These forces are reactionary, but already, as with the court proposal, they are being joined by so-called "liberals." Senator Wheeler's success in leading the light-horse liberal troops against the President while the heavy reactionary batteries stayed in the rear is sure to invite duplication. Thus Senator Gerald Nye, whose reputation as a liberal is chiefly based on his munitions investigation, seems to be aching for a chance to become the Wheeler of the anti-labor drive. His attack on the Labor Relations Board as a partisan body is so patently false in the face of the restraint and integrity the board has shown that it is best explained as a shrewd attempt to exploit a united business and middle-class sentiment. After the "liberal" spokesman appears, the other steps are sure to follow. A section of the Democrats split off from the rest of the party on the new issue. Maneuverings and betrayals go on, engineered by the Garners and others. The newspapers join the chase in full force. So does the Catholic church. Charges of dictatorships (or communism) are leveled against Mr. Roosevelt (or Mr. Lewis). A middle-class hysteria is built up. A new united front is formed in which the "liberals" do the talking, mushroom "leagues" prepare letters and telegrams—and the Liberty League stays in the background.

Thus a new formula is evolved for breaking progressive legislation, very similar to the Mohawk Valley-Johnstown formula for breaking strikes. Its success in the court fight means that it will be tried again and again. And the only thing that can meet it is further organization and more education.

What Is a Yardstick?

THE course of a true T.V.A. does not run smooth. Two winters ago there was the question of constitutionality. Last winter there was a Montague-Capulet feud among the directors. Repeatedly the T.V.A.'s path has been blocked by propaganda and snarled up with court injunctions. Now there is a new T.V.A. tangle for conservative rejoicing: Congressional friends of the T.V.A., headed by Representative Rankin of Mississippi, have become alarmed over the proposed

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contract to sell T.V.A. power to the Arkansas Power and Light Company (yes, the Harvey Couch outfit) without provision for resale rates. The Rankin group of about thirty Congressmen held a meeting last week in Washington at which they grilled Mr. Lilienthal on the "abandonment" of the yardstick principle.

Which raises the question: Just what is a yardstick in electric power? Does it mean, as some members of the Rankin group take it to mean, control by the T.V.A. through contracts with private utility companies over the resale rate of electric power? Or is it broader than that?

The essence of the yardstick lies in the fact that it is something to measure by. What is being measured in this case is private-utility rates for electric power, and the measuring-stick is provided by T.V.A. rates. There are, roughly, three broad courses open for dealing with electric power. One is complete nationalization, and it is the one we favor in the long run. A second is public regulation of private-utility rates. This is essentially the course that had been followed before the advent of the T.V.A. We have sought to regulate utilities through our state public-service commissions, operating on the principle that utility rates are to be fixed at the point where they will yield the companies a fair return on some mythical "fair value" of their properties. To determine what that "fair value" is, we have had to appeal over the heads of the state commissions to the courts. And the courts, despite the remark of Justice Stone that they "have been projected into the most speculative undertaking imposed upon them in the entire history of English jurisprudence," have almost uniformly given the benefit of all doubts to the utilities.

It was to remedy this situation that the T.V.A. and its yardstick policy were inaugurated. Very simply put, the yardstick idea is that any region, state, or local community can by generating and distributing power to its citizens furnish a means of comparison with the private-utility rates, and thus force them down. Reliance is thus placed not upon regulation by state commissions, in the field of government, but upon government example and competition in the economic field itself.

Thus the contract with the Arkansas Light and Power Company is not a violation of the yardstick but falls outside it. The government needed some money and had extra power waiting about unused because court injunctions have tied up the contracts it has made with municipalities in the T.V.A. area. It therefore proposes to sell the unused power on a five-year contract to the Arkansas company, which operates outside the T.V.A. area. Thus the T.V.A. will receive $3,000,000 for "secondary" power—that is, power which is made available to the Arkansas company for 300 days a year, at times selected by the T. V. A. in such a way as not to interfere with the peak load.

We can see nothing wrong with this contract as it stands. It does not violate the yardstick principle as that principle has been stated in Senator Norris's early speeches and in President Roosevelt's famous Portland speech in the 1932 campaign. It is a stop-gap revenue measure—not to be construed as a new T.V.A. policy. If it were considerably extended and became the basis of T.V.A. policy we should protest forcibly. As matters stand, however, it is a harmless expedient. The essential thing is not to confuse the yardstick idea with contracts carrying a resale clause. While Congress has before it Mr. Roosevelt's message asking for a network of T.V.A.'s over the country, it is of the first importance to understand what the T.V.A. principle means.

Open Letter to the Middle Class

YOU have recently received through the pages of thirty newspapers in twenty-two cities a full-page communication from the Citizens National Committee, with headquarters in Johnstown, Pennsylvania. It was headed Common Sense, a concept dear to Americans; and it appealed to your deepest feelings and convictions. It spoke of protecting the "individual citizen in his legal rights"; it advocated a "peaceful solution to the present industrial strife," a phrase that was welcome to your ears after the horror of the Chicago killings; it quoted the Constitution, a document of noble words from which even citizens committees are free to quote; above all, it defended the "constitutional right to work," a phrase that must have gone straight to the heart of every man who earns his bread and has at some time lost a job.

Altogether it was high-sounding and persuasive. But did you notice that this pronouncement, devoted to constitutional rights, ended with a resolution in which it was proposed that citizens take law enforcement out of the hands of duly elected officials *in the name of the Constitution*?

The communication was signed by the Citizens National Committee; it was in reality a letter from Big Business to the middle class; and it was designed to turn your sympathy away from the working population of this country which has dared at last to demand a living wage and to claim its share of wealth and power in this great industrial empire. This letter you have just received was suavely written because Big Business commands the services of such letter writers as John Price Jones; it appeared in the most respectable organs of public opinion because Big Business can afford to pay the high advertising rates of newspapers like the New York *Times*. It appealed brazenly to your dearest convictions because Big Business does not scruple to exploit the best traditions of men and nations if by so doing it can preserve or increase its own power.

The proclamation of the Citizens National Committee declares that it is not anti-union. But it was formed in Johnstown, Pennsylvania, a company town of Bethlehem Steel, which has declared unremitting war on unions. It has been careful, of course, to hide its tracks, but there are strong indications that its expenses have been underwritten by Bethlehem and E. T. Weir and other inde-

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pendent business men. The men who appear as its officers are, most of them, small fry but dangerous. For example:

The Reverend John H. Stanton is a fanatic red-baiter. Lawrence W. Campbell, secretary of the Citizens National Committee, is also secretary of the Johnstown Chamber of Commerce, and Johnstown is a company town. He hates aliens, unions, and "reds." George C. Rutledge is with the Johnstown Bank and Trust Company. Rembert G. Smith is a reactionary of long standing. He took an active part in the National Conference of Clergymen and Laymen at Asheville, North Carolina, a year ago; he is associated with Gerald Winrod, anti-Semite and editor of the *Defender*, a pro-Nazi publication in Wichita, Kansas. Ormsby McHarg is a regular right Republican.

One of the important people behind the scenes, John Price Jones, does not deign to sign the advertisement; but his connection with the movement was established in a dispatch from F. Raymond Daniell of the New York *Times*, when he visited Johnstown. Now let us look at Mr. Jones's other connections. He is a member of the firm of Thornley and Jones. Mr. Jones has had much more publicity than Mr. Thornley, but who is George H. Thornley? He is, for one thing, one of the closest friends of Henry Ford. He was formerly vice-president of N. W. Ayer, one of our most "patriotic" advertising agencies, and in that position he handled the Ford account. Is there any reason to doubt that Mr. Thornley, like Mr. Jones, is interested in saving America from the C.I.O. and that he could easily enlist his friend Mr. Ford in such a worthy project?

So much for the committee's background and motivation. So much for its claim that it is not anti-union, that it believes in the right to strike. In another section of its letter to you it expressly declares that it is not a vigilante committee; but in its resolution in the very same announcement it proclaims that

> WHEREAS occasions have arisen where we can no longer look to certain constituted authorities to protect human constitutional rights,
>
> THEREFORE, as loyal American citizens we feel it is our patriotic duty to perfect a nationwide organization whose function it shall be to restore and protect those constitutional rights that have been taken from American citizens by certain unworthy officials.

This is vigilantism in its simplest and most vicious form, and when we recall that the word "certain" was inserted in the first clause only after a furious debate at the meeting of the C.N.C. we realize the full implications of the Johnstown resolutions.

Surely you will realize by now that the committee's appeal for the "constitutional right to work" is of the same stripe as its defense of the "right to strike." This phrase is in fact the mainspring of the C.N.C. trap to catch middle-class men and women of good will and use them for its own ends. There is no such thing as the "constitutional right to work"—bourgeois capitalism provides for no such working-class right. Our Constitution does provide for the protection of life and liberty, and to the American worker that can have only one real meaning —the right to a decent and secure living in the industrial plenty he has helped to create. It is that right which organized labor, under the banner of the C.I.O., is now fighting to obtain. It is that right which the C.N.C. and the forces behind it are determined to drown in propaganda and in blood whenever necessary. They have on their side the Liberty League, the National Civic Federation (whose own plan of "law and order" for America we shall refer to specifically in a later issue), the Republican Party, the pro-Nazi groups—in a word, every reactionary in America. They work through, because they influence, chambers of commerce, editors of newspapers, and city officials. For a vivid example of how they control officeholders, read carefully the testimony of Chief of Police Switter of Massillon, Ohio, before the National Labor Relations Board. They will work through law-and-order leagues, such as were represented in the Johnstown meetings. They will, above all, woo you, the middle class.

And the middle class? Economically weak, politically important in a transition period, you stand between predatory capital on the one hand and aspiring labor on the other. Which is your enemy? The Citizens National Committee will assure you in expensive ads written by expensive publicity men that labor "threatens" you. But who forecloses your mortgage, or forces the local small-town banker to foreclose it? If you are a doctor, a lawyer, a real-estate man, a storekeeper, who is it that cuts wages, throws your neighbors out of work, and reduces your income, though corporation profits soar? Who runs your town? And do you think it would be better or worse if the workers in your town, through unionization, came to have an organized voice in the way it is run? Which is more likely to have genuine regard for human rights: a corporation striving to retain its power, or an organization of ordinary men and women seeking decent wages, a better life, a future of security and culture for their families?

In Germany and Italy, capitalism, crooning the sweet phrases of the right to work, of justice, and of freedom, has led the middle class into a trap of economic starvation and political degradation, without rights and without hope. We abjure sensationalism, but it is our firm conviction that the advertisement of the C.N.C., that suave letter from Big Business to the middle class, is the first insidious music of fascism in America. Follow it and it will lead you imperceptibly into political silence, where you cannot even discuss with the workers who will be your fellow-victims what might have been. The middle class can save itself only by joining its strength with that of labor to fight every trespass upon free speech and the right to organize and strike, every threat to override the law when it supports that right. The formation of the C.N.C. is a major attempt at such a trespass. Today the police of Massillon, armed by Republic Steel, are messing up union headquarters; tomorrow they will be shooting up liberal forums and church gatherings and suppressing liberal magazines and newspapers.

Last week in *The Nation* the Workers Defense League published an answer to the C.N.C. and called for a nationwide campaign to thwart its obvious purpose. Such a campaign will soon be overdue.

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Big Steel, Little Steel, and C.I.O.

BY BENJAMIN STOLBERG

ON March 1, 1937, Big Steel, with a marvelous sense for dramatic publicity, recognized the union. It seemed that Myron C. Taylor, the strong, silent, far-visioned chairman of United States Steel, had successfully conspired with John L. Lewis to usher in a new age of industrial peace and statesmanship. Little Steel, on the other hand, is corrupting the authorities, is heavily subsidizing vigilantism, has turned its plants into arsenals, and has literally hired the organized underworld in its fight against organized labor. Obviously the House of Morgan, which is Big Steel, is enlightened. And obviously the Graces, the Girdlers, and the Purnells, who are Little Steel, are barbarians.

Such is the picture today in the more or less intelligent public mind. And indeed, half of the picture is quite true: the Graces and Girdlers are glorified industrial toughs who stop at nothing. Since the strike in Little Steel began, eighteen unarmed workers have lost their lives, ten of them were shot in the back. Hundreds have been wounded, many seriously. The steel citadels in the Mohawk and Mahoning valleys, in East and in South Chicago, are more like concentration camps than industrial centers. The Little Steel towns are not merely under a psychological but actually under a legal reign of terror. But the other half of the picture is not quite true. For the fact is that Big Finance interpenetrates behind the scenes in the domination both of the United States Steel Corporation and of the large independent steel manufacturers. The powers which control steel form a club whose members more or less act together or split apart according to the dictates of strategy.

United States Steel is controlled by the Morgans. But the Mellons and Kuhn, Loeb and Company are also large stockholders. The Mellons have also enormous stakes in Bethlehem; and through its relations with the Guaranty Trust Company and otherwise, Bethlehem Steel is also tied up with the Morgans. The Pickands, Mather interests of Cleveland, whose dealings with the Morgans have been many and close, are heavily interested in the Republic Steel Company, on whose board sits J. F. Schoellkopf, Jr., of the Niagara Hudson Power Company, one of the largest utilities with which the Morgans maintain close relations. And Pickands, Mather completely controls the Youngstown Sheet and Tube Company. Obviously the enlightened gentlemen who dominate Big Steel are at least on speaking terms with themselves and their cronies in Little Steel.

All this of course does not mean that there are no authentic and bitter rivalries for the market between the two groups. Nor does it mean that the Graces and the Girdlers and the Weirs are not outraged at the "treachery" of the interests which dominate Big Steel. Big Finance is never clearly conspiratorial and is often at odds with itself, because its immediate interests and its long-range diplomacy are as contradictory as capitalism itself. But it is also true that Big Finance in steel, and elsewhere, is at present consciously operating on two fronts against organized labor. One front is watchfully awaiting the outcome of the struggle on the other.

BIG STEEL

The independent steel barons of course hate the "irresponsible" John Lewis and the Steel Workers Organizing Committee with murderous bitterness. Still, they hate Lewis as Capone might hate a hard-hitting district attorney. For it is impossible to hate John Lewis without respecting him. Their really rabid and foaming rage is reserved for Myron Taylor. He "betrayed" them. He is the Judas in the Garden of Bessemer, the Benedict Arnold of the Iron and Steel Institute. But the simple truth commands us to come to the defense of Mr. Taylor, for he really was nothing but a stooge in recognizing the union. To be sure, he signed the contract, but it was practically automatic writing. And here is the story of how the United States Steel Corporation recognized the union, a story which has never been told.

Mr. Myron Taylor is on the eve of retirement from a long and successful career. He is impressive and handsome in the clean-cut, strong-weak sense. He is platitudinous-profound, inordinately vain, and none too bright. In short, he is a stuffed shirt. But his perfect linen is not stuffed with sawdust. It is stuffed with plaster of paris, which gives him both the sense and the appearance of unbending strength. Mr. Taylor can't be told. He must be patiently flattered into thinking that it is he who does the telling.

The steel business was on the up-and-up all through 1936. It promised to be even better in 1937. The American market was excellent, and the foreign armament business was growing. Mr. Walter Runciman, president of the British Board of Trade, paid us a holiday visit this spring, calling for a weekend at the White House and spending much of his time with our international bankers and big business men. Mr. Runciman felt reasonably certain that the British rearmament program would bring a good deal of trade to the American steel makers, especially in armor plate. But the British wanted to be sure of continuous production.

The most enlightened man in the House of Morgan, almost professionally so, is Thomas W. Lamont. By that I do not mean that Mr. Lamont could hold down, on his own intellectual merits, an ordinary instructorship in economics at one of our leading universities. I mean to say that Mr. Lamont is enlightened in the sense that

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he is shrewd, a clever strategist, and a man of wide worldly contacts. Above all, he knows what is good for the House of Morgan. He appreciated that the American steel trusts could not very well take on any British armament business and at the same time refuse to bid for our own naval construction because they objected to the labor provisions of the Walsh-Healy Act. He also knew that the Steel Workers Organizing Committee had a majority of the workers in United States Steel, especially in the Pittsburgh district; he also probably knew that the union had few members and would have much trouble in Little Steel. He wanted continuous production, and he was impressed with the fact that General Motors lost a whole season's business through the strike. He knew that the La Follette hearings were not doing big industry any good; and that if the hearings should ever get around to an exposé of Big Steel, the revelation of the number of gangsters and spies and personnel fakers employed by Big Steel would give him the shock of his life. He knew that the industry, in fighting the union, was messing up its entire productive process. Carnegie Steel, for instance, had 11,000 ratings for 100,000 workers. He knew that the intransigeant reaction of the Liberty League in the last campaign had enormously strengthened the New Deal. And finally he knew that John Lewis had not changed overnight from a conservative labor leader to a flaming revolutionary and that Lewis's record in the United Mine Workers—and Morgan dominates a lot of coal—has been highly responsible, indeed the most rationalizing influence in this most irrational of industries; Lewis is radical only in the sense that conservatism cannot organize the masses. And Mr. Lamont probably also suspected that the large independent steel companies, over which the House of Morgan has no immediate control, would keep the union worrying. All these factors decided Mr. Lamont and the House of Morgan to become far-visioned industrial statesmen. This attitude was shared by Edward R. Stettinius, Jr., the Morgan chairman of the finance committee of United States Steel. Their main problem was to make Myron Taylor believe that he had given birth to the big idea. The thing to do was to play on Mr. Taylor's vanity.

Mr. Taylor held out for a long, long time—in fact, to the very last. But finally he became convinced that his recent trip to Europe had been for him a journey of deep personal meditation, and that under the gaze of Italian primitives in his Florentine villa he had discovered what emerged as the famous Taylor Formula, with a capital F. The Taylor Formula is what the average high-school boy calls union recognition. John Lewis valiantly helped to build up the myth of Mr. Taylor's industrial statesmanship; it was a cheap price to pay. The House of Morgan kept out of the picture. And there was even a suggestion, made on whose authority no one knows, that the Ambassadorship to the Court of St. James's might come Mr. Taylor's way.

Accordingly, on March 1, 1937, Messrs. Taylor and Lewis were able to announce that United States Steel had recognized the Association of Iron, Tin, and Steel Workers of North America. Benjamin Fairless, president of United States Steel, learned about it for the first time on Sunday, the day before. On Monday Mr. Fairless began cleaning out all the stooges and spies from his various plants, put away the tear gas and machine guns, and started negotiations with Phil Murray and the other leaders of the S. W. O. C. On March 2 the agreement was signed. The corporation recognized the union as the sole bargaining agency for its workers. It raised wages, as of March 16, 10 per cent, with necessary differentials. It established the eight-hour day, a forty-hour week, and time-and-a-half for overtime. It laid the foundation for the machinery of bargaining. Within two months some 260 lesser steel companies followed in the wake of Big Steel, including the large independent Jones and Laughlin. Seventy-five per cent of the industry is now organized. Some 450,000 workers are in the union. And for the time being many of the Big Steel executives are cooperating with the union in rationalizing the industry.

"You must talk to Edgar Lewis, president of Jones and Laughlin," my old friend Clint Golden insisted. Mr. Lewis is one of those paragon steel executives who want to produce steel in a state of industrial peace. Unfortunately Mr. Lewis was out of town, and so I talked with Mr. Mossman, for many years the publicity director of Jones and Laughlin and an uncle of Alf Landon. Mr. Mossman's attitude toward the Graces and Girdlers makes him sound very much like a union official. Jones and Laughlin is especially angry at Tom Girdler, for the Republic Steel Corporation tried to swallow up Jones and Laughlin last year. Girdler was superintendent and president of Jones and Laughlin for sixteen years, and when he left the company to join Republic Steel he knew all about Jones and Laughlin. Senator Joseph Guffey was correct in imputing the use of this knowledge to Tom Girdler, who feels that John Lewis is too "irresponsible" to live up to his contracts. Jones and Laughlin had developed an enormous business in making caps and stoppers for beer and soft-drink bottles. These caps are made, through a secret process, of soft metal for the Crown Cork and Seal Company. Today the Republic Steel Corporation does a lot of this business. It is this sort of cutthroat competition which divides the executive officers of Big and Little Steel. The interpenetrating financial powers behind the steel industry speak much more softly of each other.

LITTLE STEEL

In the middle of May the S. W. O. C. decided to tackle the four large independents in steel: Bethlehem, Republic, Youngstown Sheet and Tube, and Inland Steel. The union did not dare strike Weir's National Steel Corporation for fear of a wholesale massacre. Weirton is literally a little fascist principality, patrolled by notorious killers who keep the plants in a state of terror. The S. W. O. C. has sent a complete dossier on Weirton to the La Follette committee. Without a national exposé of the underworld at Weirton the place is too dangerous to ask the men to strike for their rights.

From the very first Little Steel in weasel language refused to recognize organized labor, obviously defying

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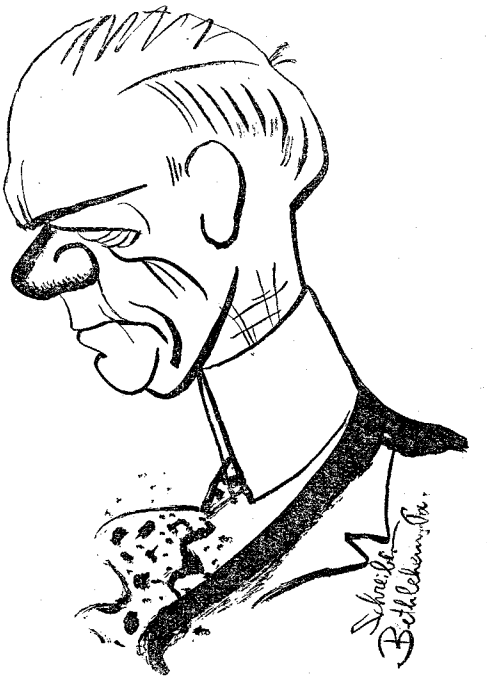
the Wagner Act. And there can be little doubt that the independents were permitted by the large financial interests, who dominate American big industry, to test the strength of the C. I. O. The Youngstown Sheet and Tube and Inland Steel were not enthusiastic, and in the beginning were tempted to follow Big Steel in recognizing the union. But they were brought into line. Eugene Grace and Tom Girdler, on the other hand, are ideal men for the task of strikebreaking. Each combines the big industrialist and the congenital small-time vigilante in one and the same person. Grace is quiet and shrewd, a black reactionary. He achieved a national notoriety by paying himself almost $4,000,000 in salary and "bonuses" during the worst years of the depression. He is the General Franco of Little Steel, busily engaged in whipping up big industry to support a national vigilante movement. Tom Girdler is his chief of staff. Girdler is an open fascist, to whom Roosevelt, Miss Perkins, John Lewis are "Communists." He poses as an impulsive, plain-spoken, colorful, rough personality. But his colorfulness rests entirely on an unpicturesquely foul vocabulary. He is indeed plenty tough.

On May 26 about 76,500 workers were called out on strike on a steel front which starts at Chicago, swings along the lake front to Indiana Harbor, Cleveland, and Buffalo, and down through the Mahoning Valley from Warren to Youngstown. On June 11 some 13,500 additional workers were called out of the Cambria plant of the Bethlehem Steel Corporation in Johnstown. These workers were called out in a sympathetic strike with some 350 trainmen on the Conemaugh and Blacklick Railroad, which is the transportation unit of the Cambria. This sympathetic strike was a rather senseless stratagem, for a strike on a small intra-plant freight service can be easily broken with 100 scabs. And so it was.

As one looks back on the strike in Little Steel one is almost tempted to regret the easy victory of the S. W. O. C. over Big Steel. Though as yet not officially called off, the strike is lost. To deny it is plain silly. The strike has been lost for various reasons: the successful organization of the vigilante spirit; the corruption of the local authorities and the clever use of "incomplete" martial law; the incredible gall of Governor Davey's bold use of the National Guard in Ohio as a strikebreaking agency; the comparative isolation of the steel communities. But the strike has been lost mainly because it was called on too far-flung a front, without adequate preparation, and because it was conducted by people who have had no experience in steel.

Much of the enthusiasm of the S. W. O. C., which precipitated the strike prematurely, was infectiously derived from the brilliant campaigns in the rubber and automobile industries. Unfortunately the situation in steel is very different. For one thing, in the highly automatic belt-line industries the sit-down is an immediate and paralyzing weapon, whatever its dangers may be to an established union. Also, both in rubber and automobiles the rank and file is young, enthusiastic, and militant. Thousands of them are hillbillies, many of whom only recently were in the Klan and even the Black Legion.



Eugene Grace

But once their eyes were opened and they joined the union, they gave it the same militant allegiance they had formerly given to some know-nothing movement. Above all, during the last two years they had developed their own leaders, right from the belt line. The experience of these leaders is not wide or rich or deep. But it is relevant, immediate, and fearless.

The steel workers, on the other hand, never had a chance to develop leaders out of their struggles. In the Pittsburgh district, the heart of Big Steel, the S. W. O. C. was very successful in its organization work, partly because in 1936 the New Deal politicians were still strongly "for labor," partly because in the old Homestead area there is a great tradition of crucified labor. But in the fastnesses of Little Steel—in Johnstown, Youngstown, Massillon, Warren, Niles, Canton, in East and South Chicago, in Indiana Harbor—there is no tradition of militant labor. And the New Deal governors have become wary of "public reaction" against the C. I. O., whipped up by the big press and small-town Babbittry. The Little Steel communities are isolated, backward, dependent entirely on busy mills.

In Johnstown, for instance, most of the workers have worked for the Cambria for years; the turnover is small. Many of them own their homes, such as they are, and the mortgages are held by the local bankers. They have bought things on the instalment plan. Their families have been on starvation rations during the depression. And the women especially are not anxious for the men to strike. The worker in these Little Steel towns is half lower middle class, half labor. And under the pressure of vigilantism and the prospect of a long-drawn-out fight, the petty bourgeois in him is apt to win out—*unless he and his wife have been thoroughly educated and organized by the union.* And this has not been done. Newspapermen who were sympathetic to labor and knew the situation well told me that the majority of the workers

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in Johnstown would have voted at any time to join the C. I. O. and would *also* have voted against a strike. In short, the vigilante terror and the violence of the authorities were not entirely responsible for the "back-to-work" movement. A good deal of it was authentic. When in the course of three weeks 8,000 men out of 13,000 return to work it is foolish and insulting to call them all scabs. They return either because the strike is broken or because they have been prematurely called out, because they have not been sufficiently well organized. In my opinion the second is mainly what happened in Little Steel.

The weekly pay roll of the steel workers in Johnstown varies from $400,000 to $500,000; practically all of it is spent among the local merchants. In such a community, unless the working class in it has a long proletarian background, as in the mining industry, the business elements are always potentially vigilante. Every merchant is ready to join a citizens committee. The church is incredibly backward, the civil authorities are invariably corrupt, the newspapers are both amenable and reactionary, for all community life is a reflection of company tactics. The most loud-mouthed fascist in Johnstown is the Reverend John H. Stanton. The mayor is Daniel J. Shields, a former federal convict and large-scale bootlegger. The secretary of the Chamber of Commerce and of the Citizens Committee, Lawrence W. Campbell, is openly a company man.

Practically the same situation obtains in all the Little Steel towns. In Youngstown one of the leading politicians is Roy Thomas. He is a former district attorney of Mahoning County who left office some time ago under a cloud. He was called back by the Youngstown Sheet and Tube to be the attorney and leader of the "employees' representation" plan, which the company "recognized." "Give me 200 good, tough, armed men and I'll clean up them sons of bitches on the picket line in no time," he told me. Thomas and a bunch of gunmen, whom Sheriff Ralph Elser permitted the company to import, are responsible for a riot in which two workers were killed. The sheriffs and police chiefs in Warren, Canton, Massillon are all notoriously pro-company. In Massillon, a Republic Steel town, two workers were killed and one mortally wounded. The chief of police testified that he "deputized" company gunmen and accepted sawed-off shotguns, tear-gas guns, shells, and other munitions from Republic Steel.

All this murder and violence was made possible because the local authorities, guided by the vigilante forces and egged on by the companies, found a new way to misuse the state authorities. Both in Pennsylvania and in Ohio the National Guards were called out soon after the strikes began. The troops were to maintain the status quo—that is, to keep plants open or shut as they found them when they moved in. But soon Governor Earle and Governor Davey discovered that the right to work is no less "sacred" than the right to strike. The closed plants were allowed to open, and the state police and troops were assigned only to the immediate vicinity of the plants; otherwise they "assisted" the local authorities, who interpreted the civil rights of the strikers to suit themselves and used the state police power to help them break the strikes. Governor Earle had really intended to use the state motor police for neutral patrolling purposes. But his representative, Captain William Clark, played in with the Bethlehem Steel and the local authorities, and actually helped frame two union men on a charge of trying to dynamite the Conemaugh and Blacklick Railroad. Governor Davey of Ohio simply used the National Guard to break the strike.

In such isolated and terrorized communities an inexperienced, backward, and confused working class can be organized only through a thorough and patient process, by organizers who know the industry, the psychology of the workers, the whole social lay of the land. Unfortunately the easy victory over Big Steel and the overenthusiastic reports of the organizers, who seemed to see double all union activities, misled the top leadership of the S. W. O. C. This top leadership—Phil Murray, Van Bittner, Clint Golden, John Lewis himself—are extremely able men. But they are also desperately busy men. The incoming reports were optimistic. Little Steel was losing business. Big Steel was cooperating beautifully; and in its wake small firms were signing up right and left. And so the top leaders left the job of running Little Steel to the secondary tier of leaders, most of them officials in the United Mine Workers. In Johnstown the man in charge of the strike is James Mark, president of District 2 of the U. M. W. In Cleveland the two leaders are Bozo Damich and Lee Hall, both Ohio miners. In the Youngstown district, which includes most of the lesser steel towns, the leader is John Mayo, an Illinois miner. Most of their assistants are also miners. In the Chicago area the two most influential organizers under Van Bittner were Jack Russek and Joe Weber. These two gentlemen are political factionalists who were hell bent on a strike, reporting wonders from the field and seeing nothing but victory ahead.

The American miner is the most proletarian of all American workers. He has an old tradition of unionism. The union is his whole social life. He does not need to be educated to stick in a strike. The secondary leaders in the United Mine Workers had not had to organize anybody these last twenty years in Pennsylvania or Ohio or Illinois. For the moment a mine is struck everybody quits, and that's that. Mark and Damich and Hall and Mayo have had a great deal of experience in adjusting grievances and signing local agreements. They have had none in coping with the situation they found in steel.

I came into Johnstown on July 2. By that time over 8,000 workers had gone back to work. The atmosphere in the town was like that of a concentration camp. I went to see Mark. He is a man of sixty, quiet, kindly, fearless, honest, and obviously used to running things on a shoestring. He had no secretary, no publicity man, not even a typewriter.

"We have things pretty well under control," he said. "Like hell you have," I answered. And then we talked. The strike was obviously petering out, though Jim refused to admit it even to himself. Practically the same situation existed in Youngstown, Canton, Warren, Niles,

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Cleveland. The leaders knew that the plants were operating at half or three-quarters normal capacity.

Early in July the S. W. O. C. called off the strikes at the Youngstown Sheet and Tube in East Chicago and at the Inland Steel Company in Indiana Harbor. The union claimed victories in both cases. In the case of the Inland Steel Company there might be some highly theoretical claim of a far-fetched victory. Both the union and the company wrote letters to Governor Townsend of Indiana, leaving the whole issue to the National Labor Relations Board. In the case of the Youngstown Sheet and Tube the union was clearly defeated. The company sent a memorandum to the governor, repeating its willingness to recognize "collective bargaining." But it insisted that this memorandum must by no means be interpreted as a possible recognition of the S. W. O. C. And when the workers filed back the plants of the company were plastered with signs to the effect that "we signed no agreement with anybody."

The position of the C. I. O. in steel is far from desperate. After all, 75 per cent of the industry *is* organized. Over 450,000 workers are enthusiastic, dues-paying members. The union in steel is here to stay. The loss of the strike in Little Steel may be considered as a tragic but not fatal overhead expense in necessary experience. But the lessons of the strike must be taken to heart. The C. I. O. must realize that Little Steel is a hard nut to crack. Each of the great independent steel companies must be tackled separately and the ground must be laid carefully. The top leadership must devote a great deal of personal attention to the job. It must ferret out ability and leadership among the steel workers. Miners cannot organize steel. Political factionalism must be rooted out mercilessly. Patience is essential. Money must be spent. An adequate publicity machinery must be provided to expose corrupt local authorities, the vigilante movement, the gangster tactics of the companies. And the leadership must not kid itself with imaginary "victories."

Another year of hard and intelligent organization under the direction of people who know steel and its workers, and whose only interest is the union, and Little Steel may yet squeal for peace.

[*This is the first of three articles by Mr. Stolberg. The second will appear in an early issue.*]

Roosevelt's Defeat—the Inside Story

BY ROBERT S. ALLEN

Washington, July 25

JOHN NANCE GARNER finished Charles Evans Hughes's job of garroting the Supreme Court bill. The lofty, bearded Chief Justice led the measure to the gallows with consummate guile and finesse. The ruddy little Vice-President struck the death blow. Hughes betrayed it "to preserve the sanctity of the courts"; Garner killed it "to save the Democratic Party." Both are greatly pleased with their handiwork, although privately neither is sure he has laid the ghost of the issue.

There is good reason for their uneasiness. One reactionary decision by the court next term, and Mr. Roosevelt will be at the throat of the Chief Justice. And although the President took his licking calmly and pleasantly, the victorious rebel Democrats have no illusions about the depth of his smile. They know, as he knows, that there can be no lasting peace between them; that the bitter personalities they hurled in the heat of the fierce struggle have left burning scars, and that if the opportunity arises he will retaliate. Don't be fooled by the newspaper stories that Mr. Roosevelt is taking his defeat philosophically. He is putting on a good show of affability, but he hasn't forgotten or forgiven a thing.

Garner's role as executioner was accidental. The death of Senator Joseph T. Robinson brought him back into the capital picture and gave him the opportunity to finish Hughes's work. The extent and effectiveness of the Chief Justice's blows against the court legislation generally are little realized. Most of the press during the protracted struggle signally failed to grasp his real significance in the opposition's fight. Hughes was not the only factor in Roosevelt's defeat. There were a number of others: the President's overconfidence in the opening stages of the fight, his lack of loyal, aggressive leaders, stealthy axing by the Catholic church, the unexpected astuteness of the Republicans and the Liberty League in keeping in the background, thus depriving the White House of the chance to raise the party cry, personal ambition and pique on the part of Senator Burton K. Wheeler and other leaders, and the death of Robinson. But towering over them all was Hughes's wily sapping that destroyed the political underpinnings of the President's plan.

Chronologically, the inside story of the court fight falls into three phases. The first was Hughes's deft attack. Had the court invalidated one Administration measure last term, nothing could have prevented the President from winning. Hughes realized this with Machiavellian clarity—and, what was equally important, made Justice Owen J. Roberts realize it. Without Roberts's cooperation he would have been helpless, as Van Devanter, Sutherland, McReynolds, and Butler were willing to bring the court down about their heads rather than yield one point to the hated New Deal. But with Roberts's aid, Hughes, snuggling up to the three liberal justices, in a series of 5-to-4 decisions completely reversed the court's ruthless hatcheting of the AAA, the Guffey Coal Act, the NRA, and the New York minimum-wage decrees. It was a miraculous acrobatic feat,

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but not too miraculous for the agile Chief Justice.

The second phase of the fight was the abandonment of the original six-judge bill and the substitution of the Logan compromise. One of the mysteries of Washington is why the President, after the smashing Wagner Act validation, did not drop his measure and propose a compromise. Such an offer in May would have certainly won over a number of the oppositionists. It is known that some of them, looking for a face-saving compromise, expressed willingness to support a two-judge bill. It is also known that some of the White House advisers urged such a proposition. What is not known is that the President was willing to accept it, but was stopped from doing so by the personal ambitions of Robinson. After the Wagner Act decision, Roosevelt realized fully that Hughes had outflanked him and was ready to give ground in order to gain at least a partial victory. But Robinson flatly refused to go along, and the President didn't dare go over the Arkansan's head. He was the only major Congressional leader who was making any show of supporting the White House on the issue, and the President would not risk offending him by overriding his objections.

The reason Robinson refused the two-judge compromise was this: In order to "sugar it up" the plan provided that all future appointees had to be appointed from circuits not represented on the present court. In other words, thereafter the Supreme Court would be made up of a justice from each of the eleven judicial circuits. Now it so happens, by some strange quirk of gerrymandering, that Arkansas is in the same (eighth) circuit as Minnesota. And Minnesota is represented on the court by that incorrigible defender of railroads, reaction, and monopoly, Justice Pierce Butler. That meant that Robinson would have no chance of realizing his ardent ambition to be a Supreme Court justice until Butler retired or died. Being sixty-five years old, Robinson knew that the adoption of the plan would slam the door on his hopes. So he refused to go along, the proposal had to be junked, and the President lost his great chance to make Mr. Hughes at least partially unhappy.

After the collapse of the two-judge scheme, Robinson went into a sulk. The Administration's position became increasingly embarrassing, but he made no move and prevented the White House from doing anything. The Van Devanter resignation, engineered by Hughes, Senator Borah and Hatton Sumners, chairman of the House Judiciary Committee, gave Robinson the hope of gaining his long-desired goal. To close Senate pals of the Arkansan the President made it clear that he would name Robinson to the court only in a group of other appointees. That is, because of Robinson's advanced age and conservatism, the President was reluctant to elevate him alone, but in a panel of several other younger and more liberal men he would have done so. This information galvanized Robinson into action, and after several weeks of hard work he negotiated the Logan compromise, under which the President would have secured two new justices by January, 1938, and Robinson presumably would have been given the Van Devanter seat. Had he lived, the chances are that Robinson could have put through the Logan bill. At the very most the opposition did not have more than forty-two votes against it, and several of these were doubtful. It would have been a long and vicious fight, but the advantage was definitely with the Administration.

The third and concluding phase of the struggle was Robinson's sudden death, Garner's return to Washington on the funeral train, and his whirlwind double-crossing of the President in order "to save the party."

When Garner conferred with Roosevelt he told him that from his conversations on the train he was convinced there was no hope of putting through the Logan compromise. He also warned that the party was on the verge of a disastrous split and urged that, as a fresh hand in the situation, he be allowed to see what he could do to work out a peaceful solution. Senators Sherman Minton of Indiana and Lewis Schwellenbach of Washington, first-term New Deal militants, told the President they were convinced the Logan bill was not licked and counseled a finish fight. Their "pep talk" inspired the "My dear Alben" letter to Senator Barkley, declaring that the "fight must go on." But Garner was not disturbed by the announcement. He summoned Wheeler and, in effect, told him to "write your own ticket." Then, to hamstring the bitter-end Administrationites and to force Roosevelt to accept his betrayal as a *fait accompli,* Garner, with the connivance of Senator Clyde Herring of Iowa, engineered a meeting of seven Democratic fence-sitters who announced they would join with the opposition in shelving the Logan bill by sending it back to committee unless the Administration agreed to a compromise abandoning all provisions affecting the Supreme Court and lower courts—in other words, complete capitulation.

This desertion was the death blow. Next morning at the extraordinary session of the Senate Judiciary Committee, where the armistice terms were formally arranged, Garner made his pathetic plea for party harmony and good will. "I want to do everything I can to help my country," he explained, "but I also want to preserve the Democratic Party. The President is licked, and he knows it. Don't bloody his nose. Let's get together and be brothers again. I told Burt Wheeler that his side can 'write their own ticket.' I meant that; the Administration means it."

"What about political reprisals?" demanded Pat McCarran, beefy reactionary from Nevada who bolted to the opposition when he was refused a United States marshalship he demanded and who is facing almost certain defeat next year.

"There will be none of that," Garner assured him soothingly, "I can promise you that I will do everything I can to prevent it."

"I am sure," observed Borah with a smile, "that we Republicans will be glad to help you."

Then the camera men were admitted and all had their pictures taken amid smiles and handclasps. But in the inner White House circle there were no smiles and no hand-shaking. One of the President's intimates summed up the feeling there with the bitter remark: "Garner was told to compromise, and he did so by surrendering."

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Zionism in Extremis

BY HERBERT SOLOW

THE idea of creating in Palestine a Jewish homeland extensive enough to solve the material problems of European Jewry or culturally rich enough to solve its psychological problems has long since proved to be utopian. With the publication of the new report of the British Royal Commission, Zionism after forty years' effort finds itself *in extremis*.

During the World War England, through such agents as Sir Henry McMahon and Colonel T. E. Lawrence, promised to create an independent Arab kingdom under the Sharif of Mecca in return for Arab aid against the Turk. At the same time, through Balfour, England promised to set up in Palestine a Jewish national home in return for Jewish sympathy and aid. England got what it sought, but, as it now admits, according to the New York *Times,* its promises were irreconcilable. The resulting compromise was the mandate for Palestine, which satisfied neither Jews nor Arabs. The prolonged struggle which followed proclamation of the mandate has cost hundreds of lives and boosted to $10,000,000 the annual police appropriation for umpiring the slaughter.

The Churchill White Paper in 1922 and Passfield's in 1930 eliminated Transjordan and otherwise narrowed the idea of a national home. The present proposal is to partition Palestine itself: Jerusalem is to be a permanent British mandate; the Emir of Transjordan is to get the lion's share of Palestine; the Jewish national home is to be restricted to the coastal region. Minor modifications are being discussed, but the British Cabinet has wide press and Parliamentary backing for the main lines of the partition scheme. Plainly that scheme is imperial: whoever dominates Palestine can easily move troops and supplies in the eastern Mediterranean, dominate the Suez, tap Iraq oil at Haifa, exploit rich markets. England will continue to hold not only Jerusalem but a corridor to the sea, will retain military, air, and naval bases, and will reserve to itself "ultimate responsibility" for maintaining public order. Partition, including abrogation of the present mandate, guarantees that the sun will still rise on Palestine without setting on the British Empire. Parliament has postponed final action but the delay is admittedly a finesse. After Geneva has played its hand, the British government, with an overwhelming majority in the Commons, will produce its trump. The outcome is quite certain.

To some extent recently, especially since the successful invasion of Ethiopia, England's Palestine policy has been increasingly pro-Arab to head off Italian efforts to organize anti-British sentiment. Mussolini, hunting a base in Spain, also covets one on the eastern littoral of Mare Nostrum. His pledge to Anthony Eden on July 7 not to stir up Arab Anglophobia inspires little confidence among informed observers. It means hardly more than that Jamal al Yussef, the Duce's anti-Zionist agitator who was recently deported from Palestine, will delay his debut as special lecturer for the Fascist radio station at Bari.

The Duce's basic plan is unaltered. He has not yet visited Jerusalem, as did Wilhelm II, but it is obvious that he seeks the status the Kaiser sought in the Near East as Defender of the (Moslem) Faith. Free Italian mission schools for Palestine Arabs have been supplemented by cheap tours to Italy, scholarships for Arabs expelled from Kadoorie School for anti-Jewish rioting, juicy advertising contracts for petty Arab papers in Palestine. Italian agents are busy in all the Near Eastern states, the Bari radio station continues its Arabic hour on the delights of Moslem life in the Prophet Mussolini's empire, and Zionism is proscribed in Italy.

In Mussolini's Near East ambitions is to be found the real meaning of anti-Jewish propaganda in Italy today. True, some third-string Fascist papers have published racial attacks against the Jews, and two Tripolitan Jewish merchants were recently flogged in public for resisting the abolition of their traditional Saturday closing rights. True, social and academic anti-Semitism, such as is known even in the United States, exists in Italy. But the Duce and the King still exchange visits with Jewish communal officials. Ambassador Fulvio Suvich remains in Washington, Senator Isaiah Levy remains wherever Italian senators remain, General Liuzzi remains on the Spanish front, and other Italians of Jewish blood have recently been given important posts.

The object of Mussolini's attack is Zionism. Under the heading Rome or Italy, *Tribuna* tells the Jews to drop Zionism or leave. Oreste Gregorio, in Mussolini's *Popolo,* denounces Zionism as the concept of "the English Jew, Balfour," and "how can one claiming to be an Italian and a Fascist support a movement opposed by Arabs and Moslems, in view of the well-known pro-Islamic policies of the Fascist regime?" Again, Gregorio shows readiness to believe that Italian Jews have not "the same mentality" as wicked foreigners, but insists they "acknowledge themselves the outspoken enemies of international Judaism, which is Masonic, subversive, and always anti-Fascist, or renounce Italian citizenship and residence." *Stampa* complains about Anglo-Franco-American Jewish missions to the Falashas (Ethiopian Jews) out of fear that Zionism may be implanted among them. One Italian writer declares that "Zionism tends to establish in the Mediterranean another permanent zone of British expansion," and on May 25 Mussolini's own organ denounced Zionism as "definitely opposed to Italy's Mediterranean spirit."

Hitler commands Jewish writers to work in Hebrew;

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Mussolini has compelled Tripolitan Jewish clubs to abandon Hebrew for Italian names. Hitler drives Jews abroad, Mussolini orders them to remain good Italians. Hitler tolerates, the Duce fights, Zionist activity. While Hitler tells the Jews to go or die, Mussolini brusquely offers the 50,000 culturally assimilated Italian Jews the classic alternative of liberal nationalism: Rome or Zion. The proscription of Zionism, of course, is carefully reported to Mecca by the Duce's agents.

Of course, to anybody who would rather have his right hand wither and lose its cunning than forget Jerusalem, all these words from London and Rome are cold comfort. Nor are Arab reactions to the partition scheme of a sort to reassure informed Zionists. Judged superficially, the reaction seems to be opposition. Haj Amin al Husseini, chairman of the Palestine Arab High Committee and Grand Mufti of Jerusalem, has denounced partition and, with the support of his Moslem clergy, threatened to excommunicate any Arab who accepts it. It should be noted that Haj Amin, who is a highly paid British official, thus not only defends himself against the loss of prestige involved in separating Jerusalem from the Arab states but also provides the government which employs him with a counterweight against Jewish criticism.

The anti-partition statements of Chisba-Difa al Watani (Palestine National Defense Party), the Sheik of Koweit, and Iraq's premier are characterized by the *Times* correspondent as "a big bluff." These gentlemen ultimately want a partition which leaves Zionism in the sea. But if the Emir of Transjordan decides to take the cash and let the credit go, they will "bow to the inevitable."

The fact is that the decisive word must come from the outstanding Arab chief, Ibn Saud, king of the Wahibis. Ruler of Mecca and leading candidate for a pan-Arab throne, Ibn Saud waits, builds his army, lets all bidders come to him. And they come. Recently the Grand Mufti went to Mecca, where Ibn Saud cold-shouldered him. In reply to the Grand Mufti's telegraphed appeal against the proposed division, Ibn Saud said not a word about partition. With Ibn Saud's approval, the Emir of Transjordan will accept the share partition now offers him. Tomorrow's protests against leaving Zionism even a shred of what it once hoped for will be no bluff but the basis for a united Arab sovereigns' front.

Talk about "independent" status for the new Jewish area does not change the fact that Zionism is undergoing the most extensive surgical operation in its rich clinical experience. No doubt the World Zionist Congress next month will be philosophical and find that the patient is doing as well as can be expected. What else can the congress say? As one Jerusalem Zionist puts it: "Though the government has failed us, we dare not court irretrievable failure by failing the British. We are the allegorical earthen pot; woe to the pot if it fall on the stone; woe to it if the stone fall upon the pot." Zionism is entering its greatest historic crisis since it secured the Balfour Declaration in 1916. The movement which became a real political factor in one war is being ground to pieces in the scramble of the powers preparing for the next.

The crisis is variously reflected in the national segments of the Zionist movement. Already the Italian Zionists are surrendering as those of Germany did when England put an Allied uniform on the movement. Milan Jewish spokesmen, while defending Palestinian charity, have attacked political and cultural Zionism. The Florentines have renounced a communal election slate. Representatives of fourteen communities have adopted a joint anti-Zionist resolution. Italian Jewish leaders support the Fascist remaking of Ethiopia and exclude Zionism. Carlo Viterbo, who recently surveyed the Falashas for Italian Jewry, reported directly to the colonial minister. The Italian Zionists' answer to the Duce is "Rome!" Perhaps the Duce will finally reward them with the project that Professor Corrado Gini tried to peddle to American Jews when he came to this country to get a degree at Harvard's tercentenary: a new "Zionist" movement, with the Isle of Rhodes, whose Greek population the Duce has been unable to break thoroughly to his yoke, as the scene of their labors.

Polish Zionists, become desperate, are to a great extent supporting Captain Vladimir Jabotinsky, Zionist "revisionist," who stands for preparing the forcible seizure of all Palestine and Transjordan, to create a Jewish state with a Jewish population. Warsaw revisionists, who are something of a "shirt" movement, recently demonstrated aggressively before the British Embassy. The Polish police, who as a rule crack down on Jews for sneezing out of turn, tolerated the demonstration. The Warsaw government press has denounced partition, since it is pushing mass emigration of Jews. In Palestine Jabotinsky also has followers, and in the reduced area may gain at the expense of old-line leaders who have led the Zionist movement from one operating table to another.

British Empire Zionists are beefing about partition, but they will forget their resentment against the Royal Commission. It *is* royal, after all, and Viscounts Samuel and Swaythling, Lords Melchett and Reading *are* vassals of George VI as well as Jews. Moreover, there is still a virgin luster on 226 Coronation medals gratefully accepted by deserving Jewish imperial servants in Palestine. As for American Zionists, they always denounce the latest "astounding" treachery of Albion—and soon indorse its terms.

In short, when partition is put before the League's commission for approval, there may appear delegations of protesting Arabs and Jews, but the real battle will come after partition, and it will be initiated by the Arab leaders in order to finish the liquidation of the Jewish national home.

Problems remain not only for the 400,000 Palestine Jews but for Jewish masses the world round and for the Arab peasants, exploited both by clerically oriented feudal landlords and the rising nationalist Arab bourgeoisie. Today all these problems are one in Palestine, and can be solved only with reference to general international politics. The question presses: Can there be any human, stable solution under a social order in which Italian fascism and British democracy are equally eager to harness Arab and Jewish national aspirations to their imperial chariots?

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Will Europe Go to War?

BY LUDWIG LORE

II

IT has been reliably estimated that the World War cost Germany more than 80,000,000,000 marks. What the country produced at home was paid for mainly with treasury notes covered by war loans which lost whatever value they had in the ensuing inflation period. What was bought abroad usually had to be paid for in cash. A few figures will show what enormous sums went out of the Reich to pay for its imports during the war years. There was an unfavorable trade balance for 1915 of 4,000,000,000 marks; for 1916 of 4,600,000,000 marks; for 1917 of 3,400,000,000 marks—altogether, for the duration of the war, about 16,000,000,000 marks. How was this deficit covered?

Two decades of prosperity, interrupted briefly by a few short crises, had made Germany one of the richest countries of Europe. At the end of 1918 the Reichsbank still had a gold reserve of 2,250,000,000 marks. In addition it had foreign securities variously estimated at or near 30,000,000,000 marks. A part of this was confiscated by the Allies, but there remained enough for one of the most audacious maneuvers of modern times. The war had not seriously affected the solidity of Germany's foreign credit. Its domestic securities were sold all over the world. German paper money found a ready market, thanks to the fiction that it was due for a rapid rise. Hundreds of thousands of patriotic German-Americans bought heavily of Fatherland currency and lived to see the day when they could paper their walls with those worthless lithographs.

A large part of Germany's post-war imports was paid for by the sellers themselves, for the money they received was valueless before it reached their hands. During the war the Reich carried on a vigorous "buy in Germany and keep our money at home" campaign. Where this policy was really put into practice, it meant overwork and hunger for the population at home. It was not applied to raw material for ammunition and war supplies. To get these the Reich mortgaged its shirt without the slightest compunction.

Today the situation is incomparably worse. Before 1914 the foreign market had only a hazy idea of the Reich's financial status. Today everybody knows that the Reich government is deliberately spreading a cloak of darkness over its financial condition because it does not dare reveal the full extent of its bankruptcy. Germany, which was once a creditor, is now a debtor nation. Its gold reserve, including that which is still in the hands of private individuals, does not exceed 300,000,000 marks. Dr. Hans Priester, in an investigation of Germany's foreign investments, estimates that just before Hitler came to power Germany owned foreign securities to the amount of 1,500,000,000. These securities have since depreciated in value; what remains has been liquidated by the Third Reich in exchange for Reich bonds; the securities themselves the government used to finance the buying of raw material abroad.

At present, Priester estimates, Germany's reserve of foreign exchange and securities is somewhere between 300,000,000 and 400,000,000 marks. It may even be slightly higher. German credit abroad is, in other words, practically non-existent. In case of war Germany would have to pay cash for everything it needs. Washington has made this quite clear where the American market is concerned. Yet, in spite of the Four Year Plan and autarchy, Germany's needs would greatly exceed the requirements of the World War.

From every point of view Germany is worse off than any other power, with the possible exception of her Italian ally. Military cooperation from Italy may or may not be valuable. In any war which the two fascist nations would fight against the rest of the world Germany would have to bear the brunt of the financial burden.

It is noteworthy that of all the countries which went through the World War, Germany and perhaps the Soviet Union have been the only ones to learn from their experiences. Perhaps it is true that only unsuccessful generals learn from the experiences of the past. Certainly the energy and perseverance with which the German government and its military leaders have gone about correcting past errors would be admirable if it were in a better cause. The first and most important of these lessons is the necessity of economic as well as military preparedness. All Germany lives and breathes "war economy." Social production, industrial planning and organization, the systematic subordination of the individual, of science in all its phases, of education, and of propaganda to the social and economic needs of the community, its foreign policy, and its preparedness program—that is war economy as the Third Reich understands it. There is—to mention only one of many—a Reich Bureau for Industrial Redistribution (*Reichsstelle für Raumordnung*) to which has been intrusted the task of adjusting and transferring industrial units into those localities in which they will best serve the nation's defense apparatus. The idea originated in Great Britain, but nothing was ever done about it there. Germany, on the other hand, is building up a new economy, step by step, against the background of its war needs. In the legend-filled forests of mountainous central Germany

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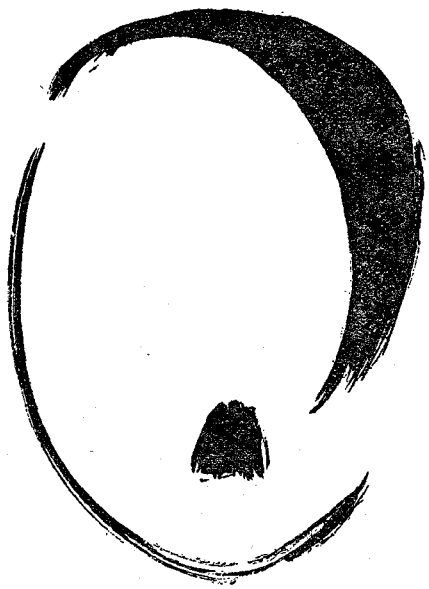

—*Futuro*

(Harz, Holstein, Thüringen, etc.) the wanderer comes upon closely guarded areas of which not even the local population knows the exact purpose. The men who work in these areas are brought from other parts of the Reich and live in strict seclusion. A dense secrecy surrounds all these operations, but everybody realizes that another fortress, another flying field, another stronghold, or another ammunition or airplane factory is being built for the use of the German army in case of war.

What this process of reconstruction has cost the German government we cannot even estimate. Fantastic sums have been spent on the strategic redistribution of industries, on subsidies for *Ersatz* experiments and the creation of *Ersatz* industries, on the building of war-material and ammunition factories, on barracks, airdromes, automobile highways, etc. The figures are carefully concealed and one can only guess at their size from the evidence that meets the eye. In his book "Das deutsche Wirtschaftswunder" (Germany's Miracle Economy) Dr. Priester estimates that the government of the Third Reich spent some 30,000,000,000 marks over and above its normal budget between the beginning of 1933 and the end of 1936. These 30,000,000,000 marks went almost exclusively for armaments and related purposes. Other German and foreign experts place Germany's preparedness budget at double that figure. Nothing before or after the World War can compare with this criminal drain on the nation's financial resources. It is comparable only to the terrific sacrifice of the World War years.

HUMAN MATERIAL

I have already spoken of the importance of material in a new world war, but the decisive factor will still be the human quantity. In the last war the Central Powers fought against overwhelming odds, yet they held out against their adversaries for four long years and fought numerous successful battles. The source of this extraordinary strength was the high state of Germany's cultural development. German tradition always had it that it was the "German schoolmaster" who won the victory over Austria in 1866. In 1914-1916 it was Germany's industrial worker who went from victory to victory. It was the German industrial worker who in 1918 swept away the old Junker rule. It was the realization that Germany's strength lay in her people that impelled the Allies in Versailles to limit the German army. The General Staff made a virtue of necessity and set about organizing a small but highly efficient army of professional soldiers. Recent experiences have proved the fallacy, however, of the conception that a small, highly trained, and highly mechanized army can advance into the enemy's territory with a short offensive and an immediate victory practically guaranteed.

The Nazi government was quick to draw its conclusions and translate them into practice. It denounced the arms limitation clause of the Versailles Treaty almost at once and set about preparing the nation for war. Every man in Germany knows where he will stand when war breaks out, on what day he must report for service and where, though this is merely an intensification of the old imperial army system. Every prospective soldier, old and young, is closely scrutinized for his peculiar abilities and placed where he can render most efficient service—at the front, in industry, behind the lines.

Before the greater need of the state more than one National Socialist theory has had to be discarded. Women are being brought back systematically into industrial life, after having been ousted from the factories and mills and offices of the Reich by the hundreds of thousands to make room for unemployed males. During the World War female labor in the basic war industries—mining, metal, machine building, and chemistry—rose from 195,000 in 1913 to 1,043,000 in 1918. The Nazi government is training women for the most skilled occupations in anticipation of the time when they will be needed to replace every man who can shoulder a gun.

An important problem, and one that must be prepared for by systematic organization, is the question of the nation's morale at home and at the front. The soldier will not starve and suffer for months, perhaps for years, without rebelling unless he is given an ideal he can understand. What will it be? Will he fight to defend the slave state Hitler has given him? Will he fight for conquest and expansion? For colonies? For *Anschluss*? Even Hitler doubts it. Instead of relying on the enthusiasm of the German people for these concrete aims, he infiltrates young and old, man, woman, and child, with that transcendental spirit of militant nationalism without which war becomes a long, dark nightmare of unmitigated horror, anguish, and deprivation. The child in school learns to carry a gun. The Hitler Youth is trained in soldiery and marksmanship. Newspapers, motion pictures, the radio—every medium for influencing public opinion is used to prepare the spirit of the German people for the coming struggle. Racial and religious mysticism is producing a nation of megalomaniacs. The spirits of Thor and Wotan walk again, lifting the young German above the drabness of a life of self-abnegation with intoxicating delusions of grandeur. Mass murder has become a religion, mass propaganda the end and aim of all cultural endeavor. The creation of the new German soul has only just begun.

What has this propaganda accomplished? At home it has won the unconditional support of a large part of the younger generation. Abroad it has injected a new element into international relations: the element of fear—fear of the coming greatness, of the conquests, of the ruthless adventurism of the Hitler regime. Fear, too, in the hearts of Germany's rulers, of the spirit they have created—a

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Frankenstein monster carrying arms which may at any moment turn and shake off their terrorist regime.

When Dr. Friedensburg, after investigating the question of oil and its relation to war, came to the conclusion that Germany could not possibly accumulate or procure enough oil to carry her through a major war, he proposed as the next best alternative an army on horseback in place of a motorized force. General von Seeckt had a better idea. He knew that a war on two fronts would inevitably ruin Germany's chances. Having no faith in the doctrine of self-sufficiency, he favored an alliance with Russia against Germany's *Erbfeind* on the west. With Russia as an ally, Germany would have access to unlimited food and raw-material supplies. In Russia, bread, oil, and iron—the three *ifs* on which Germany's success in any war so largely depends—could be produced in limitless quantities. In his eyes any war that Germany would fight would be a war of revenge. But the new Germany is not interested in revenge. Latter-day capitalism in the Reich is interested in expansion, in colonies, in markets, not in national honor and moral rehabilitation. The things German capitalism needs lie in the east, and war on the east means war against the Soviet Union.

With this new formulation of Germany's war aims, the difficulties she would encounter in any case become colossal. In this crisis German diplomacy appears upon the scene of action. It stretches its feelers toward the Balkan states with attractive concessions in exchange for a foothold in the European southeast, where meat and bread and the precious petroleum abound. It carries its propaganda into the Scandinavian countries in the hope of getting milk and butter and the other dairy products. The Third Reich needs to feed its population with food from Denmark; it needs iron ore from Sweden.

But diplomacy's usefulness stops on the day war is declared. When that day comes diplomatic conquests and trade relations must be backed up by military occupation. Germany would have to take possession of the whole of Scandinavia in order to beat England. Control of the Baltic Sea alone would avail her nothing, since a large part of Sweden's ore shipments goes over Norway, which, of all Scandinavian countries, would be the one most likely to stand by the British. Germany would have to push her offensive southward to the Black Sea, whether backed by Hungary alone or with the aid of a Poland and a Little Entente willing to break with France and her associates. Moscow, knowing only too well that in southeastern Europe lies the answer to Germany's crying need for oil, will do anything to keep the Little Entente intact by holding Rumania's friendship.

In short, as things are at present, any war Germany could precipitate would immediately involve all Europe, with Germany fighting for life on all fronts. Nazi leaders know this and will be cautious in their international relations in consequence. Nevertheless the fact that Germany has thus far failed to win positive allies outside of Hungary and Italy, with Poland as a possible but not a certain backer, is by no means a guaranty against war. Where there is so much powder, explosions will happen, in spite of fear and precaution. Abroad Germany's policy of bluff and terror is piling up resentments. At home the growing burden of living will ultimately lead to complications from which war may become the only escape.

[*The first part of this article appeared last week.*]

Who Chases Ambulances?

BY LOREN MILLER

WE wanted to stop him, but the Mexican insisted on telling us the story of his wife's injuries in an automobile accident. There was no question of liability: the driver lost control of the car and it crashed into the woman as she was standing on the sidewalk. Her injuries were severe: a broken leg, sundry bruises and abrasions, and internal injuries; doctors agreed that she would never regain normal use of the broken limb. But as lawyers we could do nothing for her; she and her husband had joined in a release of "all claims and demands" for the sum of $350. No, they hadn't consulted a lawyer beforehand. The insurance adjuster said it wasn't necessary.

That case may be extreme, but any layman can skim through the law books and find plenty of cases in which some unfortunate plaintiff has tried to set aside some such ridiculous settlement. Generally the attempt fails because the courts hold fast to the theory that a man is bound by his contracts and that if he is foolish enough to enter into a disadvantageous adjustment he must abide by the terms of the agreement. He must show fraud or duress—and necessitous circumstances do not constitute duress. That is the side of the story that is never told when insurance companies whip the public into a frenzy over the admittedly malodorous practice of ambulance-chasing.

What really happens when an automobile or traction accident occurs is that the driver or motorman notifies his insurance company as soon as he makes out the police report. The first ambulance-chasers on the job are the insurance adjusters, and they aren't there as public-spirited, impartial observers either. They're there to help their company escape liability if it can. These adjusters are hard-boiled, bright young men who know all of the legal angles. They construct a possible defense to the possible lawsuit—generally contributory negligence—and they're very keen about insinuating that possible defense into the

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minds of the witnesses they interview. The driver is made to understand that if the injured person wins his claim, insurance rates will go up. Add that to the very human frailty of not wanting to be in the wrong, and the driver, no matter how remorseful or how negligent he may have been, is soon convinced that he is entirely in the right.

As soon as the witnesses are disposed of, the adjuster goes to see the injured person. I know of a traction case in which the adjuster brought a twenty-five-dollar check with him after the woman had been in bed for two weeks: "You don't need a lawyer; we're willing to settle." At any rate, the adjuster takes the complainant's statement, always careful to frame his questions to help out the possible defense that is being constructed. The injured person has no objections to having the company doctor examine him? Of course not; it's just a formality. The doctor's call follows. An entire article could be written around the inability of some—most—of these doctors to find serious injuries. If the case ever comes to trial the doctor will be called as an expert, but on the stand he won't be an expert in the real sense or even an impartial scientific observe, because he's on the company's pay roll at a handsome fee, and if the company loses many large claims on his testimony he won't have a job.

Or perhaps the injured person procures an attorney before the adjuster can get to him. In that case the adjuster must not interview the client without the lawyer's consent, and most lawyers are rather wary of such interviews. They don't want to arm a possible defendant with a great deal of advance information. The adjuster has to wait for the inevitable letter from the attorney suggesting that settlement can be made out of court. Back goes the reply: "We do not admit liability but . . ." The "but" clause revolves around the fact that the company is willing to settle for a small sum if the company thinks the action is doubtful. If the client is a workingman and in necessitous circumstances he will be tempted to take the sum, however small. Perhaps he takes his lawyer's advice and files suit. Filing suit costs money, and the attorney may have to advance filing fees.

Then acute delay sets in. Clever insurance companies always take depositions where the law permits. A deposition enables them to take the plaintiff's statement under oath and learn just what he will testify to at the trial. Of course, the plaintiff may also take a deposition of the defendant, but we're talking about poor plaintiffs. After the deposition has been taken the defendant calls at the insurance company's legal offices and sees just what his opponent is going to claim. He isn't human if, after the lawyer has explained the possible defense, he doesn't cut his testimony to fit the cloth of the plaintiff's claim.

Meanwhile the insurance company is going over the plaintiff's life with a fine-tooth comb, and when the case comes to trial the company is ready, through its medical "experts," to prove that the plaintiff's injuries many not have come from the automobile accident at all. Isn't there a possibility that the plaintiff is still suffering from the bump he received when he fell off the back porch at Aunt Hattie's thirty-two years, six months, and ten days ago?

The ordinary defense in accident cases is contributory negligence, an anachronistic legal rule which holds that the plaintiff may not recover if he was guilty of the slightest degree of negligence, no matter how great the negligence of the defendant. Circumstances surrounding automobile accidents are never very clear, and the defense of contributory negligence is ordinarily very efficacious. Of course, insurance companies have plenty of ready cash for witness fees; our mythical poor plaintiff hasn't. I remember one case in which a defense witness testified that he had received twenty-five dollars for his appearance. No, he wasn't working. No, he didn't think the fee was too large. The court found for the defendant.

Perhaps, in spite of all, our client wins a judgment. The usual motion for a new trial is made. More delay for the client, badgered with doctors' bills and other expenses incurred during his period of enforced idleness. If the motion for a new trial is denied, the defense threatens to appeal. That is, it will appeal unless the plaintiff will reduce the amount of the judgment. Most hard-pressed clients fall for that one. Maybe the defense does appeal, and attorney and client settle down to a long wait, meanwhile trying desperately to get funds for appeal briefs or run the risk of doing without representation in the higher court. If judgment is reversed the client takes whatever is offered and swears off lawsuits for life.

In short, insurance companies have tremendous advantages over the injured person. They have the machinery of investigation, they have plenty of money, they have keen legal staffs, and every one of the multitudinous delays of the law is in their favor. No stigma attaches to them for the use of these devices in their own favor. That is just good business. Of course, they are mulcted in fraudulent claims; they also pay off many claims at ridiculously low figures. Which is worse for society?

Frankly, I cannot see how either the evils of ambulance-chasing or those of "good business" tactics in seeking the lowest possible settlement regardless of the merit of the case can be eliminated so long as personal-liability insurance remains a private business run for profit. The presence of millions of automobiles on city and country streets, high-speed highways, complicated traffic rules, and the like dictate a new approach to the problem. The old saw that accidents are bound to happen was never more true than today. This multiplicity of accidents breeds ambulance-chasers *and* insurance companies, both anxious to make a profit. As a lawyer I would like to second the proposal often made that society step in and make provision for this new emergency by constructing a new plan somewhat analogous to the workmen's compensation acts whereby *impartial* agencies investigate accidents, apportion blame and damages, and provide for the unfortunate victims without recourse to such strained legalisms as contributory negligence and other technical dodges. To be thoroughgoing the plan would call for the elimination of private insurance companies and in the process would eliminate ambulance-chasers. We sponsors of the plan can expect a mighty battle if we propose it seriously. I'll wager that it will produce a very effective united front of those mortal enemies, the insurance companies and the ambulance-chasers.

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Issues and Men

BY OSWALD GARRISON VILLARD

IN a world which whirls and makes history as rapidly as ours I suppose I have no right to be vexed that the oncoming generation of young women is so completely uninterested in the history of the liberation of their sex in the United States during the last hundred years. They have almost all the rights and privileges anyone can ask for, so why should they care how they were achieved? If this is quite natural, I still cannot help feeling a regret, especially as I have just read the new life of the gentle and lovely Lucretia Mott, and wish more than ever that the pioneer work of such as she might be known and cherished.

Today young people will not believe that a hundred years ago it was an unheard-of piece of license and indecency for women merely to attend any public meeting in the United States, however benign the purpose and however respectable the meeting-place. Thus the mob which dragged William Lloyd Garrison through the streets of Boston on October 21, 1835, intending to hang him, was inflamed not merely by reports that George Thompson, a British Abolitionist, was to address the Female Anti-Slavery Society, but by the fact that there were women in Boston as "froward" and shameless and unsexed as to come together to discuss a public, yes a political, issue. Thompson, having been notified of what was likely to happen, did not appear. Garrison's offense was merely sitting in his nearby office; it all but cost him his life. The women were compelled by the mayor to depart, which they did two by two—some of the loveliest "females" in all Boston—and were soberly warned never to offend again. Five years later some of these same women went to the First World's Anti-Slavery Convention in London, Lucretia Mott, Elizabeth Cady Stanton, Mr. Garrison, and others going also. But they were denied recognition as delegates by the Quakers who were running the convention. Women could not plead in England in public for the freedom of those in bondage! They were compelled to be passive spectators in the gallery, where Garrison took his seat with them, refusing to be a delegate if all could not be admitted.

Next fall Oberlin College will celebrate the one hundredth anniversary of the matriculation of the first women students in a collegiate institution—the beginning not only of college education for females but of coeducation in the United States. For 201 years after the founding of Harvard College no woman was allowed to sample a college training! Two years previously Oberlin had founded a Female Department, which was presented to the public in its first catalogue in these words:

> Young ladies of good minds, unblemished morals, and respectable attainments are received into this department and placed under the superintendence of a judicious lady, whose duty it is to correct their habits and mould the female character. They board at the public table, and perform the labor of the Steward's Department, together with the washing, ironing, and much of the sewing of the students. They attend recitations with young gentlemen in all the departments. Their rooms are entirely separate from those of the other sex, and no calls or visits in their respective apartments are at all permitted.

Whether the real purpose of this announcement was to get free chambermaid service for the young gentlemen's rooms or not, Oberlin moved on quickly to the higher education. Not without some scandal of course: a dismissed student wrote a pamphlet asserting that "joint education" was very similar to free love and that there was quite undue intimacy between the sexes—a charge ever since leveled at every coeducational institution. Mary Hosford, Mary Kellogg, Elizabeth Prall, and Caroline Rudd were the first to be enrolled as regular freshmen; three of them graduated, the other withdrawing at the end of the first year. A year later William Woodbridge wrote in the *Annals of American Education*: ". . . the experiment is unequivocally successful. We consider it now fully established that the sexes may be educated together. This discovery is one of the most important ever made. The benefits which are likely to flow from it are immense. Woman is to be free. . . . Daughters of America, rejoice!"

When I was appointed an assistant in the History Department at Harvard in charge of the written work of Albert Bushnell Hart's course in United States history, I was asked to do the same work in Radcliffe. Where there were 400 men enrolled in our Harvard course, there were only six women at Radcliffe, all of them older than my 22 years, experienced school-marms eager to get belated degrees and taking most unfair advantage of their callow instructor. As for admitting my six students, who knew so much more than I, to our Harvard classroom, that would have been dismissed as a menace to our oldest and best university, and still would. So we crossed Harvard Square and repeated our talks, and at the end of two years I received a salary voucher from Radcliffe reading: "For two years' instruction in U. S. History—$20.00" —beyond question a fair valuation of the services rendered.

Today women throng to 570 college institutions, and President Wilkins of Oberlin believes that more than 1,000,000 women have received a bachelor of arts degree. Surely some of these living degree-holders ought to pause on October 8 next, when Oberlin celebrates their centennial, to praise the two Marys, the Elizabeth, and Caroline who dared obloquy and social dishonor to pave the way for college generations to come.

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"BEAUTY'S ROSE"

BY JOSEPH WOOD KRUTCH

IT was recently my privilege to hear a witty speech by a college professor in the course of which he regretted that students of literature ordinarily devote so little attention to literature itself. The investigations they undertake are commonly either linguistic or historic or biographical, and only rarely do they so much as touch in passing upon the qualities which make it seem worth while to investigate, linguistically or historically or biographically, the work or the writer in question. Professing to be no less guilty than the rest, and remembering that his own books were primarily works of scholarship, he concluded: "But at least I make it a rule not to let my research interfere with my intellectual life."

Now the charge is one which critics and journalists are always ready enough to applaud, but I could not help wondering whether, when they had done so, it would not then be a question of pot and kettle; whether what commonly passes for criticism is not frequently just as remote from the central issue as the frankly collateral research of the schools. Suppose we propose a test of significance, suppose we say that no critical or explanatory remark about a writer or his work is valid unless it appear that the remark would not be equally true of any other writer or writings. Surely the test is not unreasonable, but how much would it leave of any of the currently popular "explanations" of a literary masterpiece, whether these "explanations" be psychological on the one hand or economic on the other? Even assuming that all that is said in any one of them is true as far as it goes, how much light does it throw on the fundamental question, which is simply why the work under discussion is more or less valuable than others written by men who grew up under the same economic conditions or whose psychological pattern could be drawn in precisely the same terms?

It happens that I have recently read Sir Sidney Lee, Frank Harris, and a contemporary Russian critic on Shakespeare. Much that the first and last had to say is probably true and, in certain respects, not unenlightening. Even Harris's speculations are sometimes interesting as simple speculation; but even if we assume with him that the sonnets were addressed to a man whom the author loved in an abnormal fashion there are two important facts which remain: homosexuality is not rare; Shakespeare is unique. And suppose, going further, we admit that much in Shakespeare's plays is somehow connected with the economic conditions of his day, or even, as our Russian author maintains, that Falstaff is to be understood as a type of the decaying feudal knighthood. Does anyone really suppose that Falstaff has been remembered for any such reason or that there was no good reason for remembering him until this critic explained his true significance?

Shakespeare's father was once fined by the village of Stratford for failing to remove a pile of manure from his door yard. The uncovering of this fact (duly recorded by Sir Sidney) is one of the proud results of old-fashioned historical scholarship, and it is not a very illuminating one. But at least it does not pretend to be, and one may ask in all seriousness whether homosexuals are, by virtue of their homosexuality, any more likely to write like Shakespeare than are men-whose-fathers-have-been-fined-for-failing-to-remove-manure-from-their-door-steps. Would knowledge that a particular man fell into either one of these classifications enable us to predict that his writings would be supreme works of genius or throw light upon the merits of the work of a man whom, for the moment, we are supposing to belong in both?

In other words, it appears that "explanations" of an author—whether they be in terms of his psychological pattern or in terms of his historical setting—fail to be very significant, for the simple reason that they do not explain the one thing most worth knowing: why the writer in question differs from others whom the same explanation would fit. Any explanation of Shakespeare in terms of the social or economic forces of his time must inevitably explain his contemporaries as well. It may explain why he was an Elizabethan but it does not explain why the other Elizabethans were not Shakespeare. And that is, after all, the important question, since the thing which makes him most interesting is not the way in which he resembled his fellows but the way in which he differed from all the rest of them. I still, to take a different example, believe that Edgar Allan Poe had a "mother complex" and that the fact influenced his work. I still believe that to bear this in mind illuminates to some extent his prose and his verse. But until it can be shown that all sufferers from that supposedly common ailment write as well as he did, I must admit that the secret of his power remains still a secret.

The simplest as well as the severest test of a work of literary criticism is applied when we read immediately after it some part of the work which furnished its subject. Opening Shakespeare's sonnets I find that Number One begins:

> From fairest creatures we desire increase,
> That thereby beauty's rose might never die,

and I ask myself what any of my three critics has to contribute which will help me to perceive, account for, or evaluate the monumental beauty of those lines. Mr. Harris's theory has at least the negative merit of seeming totally irrelevant, while the other two furnish me chiefly

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with reasons which would render it highly improbable *a priori* that the lines would be interesting. My Russian could explain them away as by-products of the class struggle, and historical research can only demonstrate that what they say has been said many times before. Thanks to his learning, Sir Sidney Lee can show that the thought was commonplace even in the author's own time, that it may be found in various other sonnet sequences, and that the whole business of urging reproduction on a handsome young man goes back at least to the Pastor Fido. But what I really want to know is why, despite the commonplace nature of the idea, the lines are read with an excitement which neither any of the other sonnet sequences nor the Pastor Fido itself can produce. Shakespeare inherited the same tradition as the other writers, he grew up in the same society, and if he was (as is, of course, extremely doubtful) the victim of an unnatural passion, so in all probability were scores of others among his contemporaries. Two lines constitute a unit large enough to demonstrate his greatness and therefore also constitute a unit large enough to test any critical discussion for its relevance to the qualities which make him unique. One may need a whole play or group of plays to prove that he was the representative of a certain stage in the development of society; one may need a certain group of selected lines even to suggest the suspicion that he might have been a homosexual. But one needs only two lines chosen almost at random to prove what is much more important —namely, that he was a poet.

The moral of all this may be that those of us who call ourselves critics are no less likely than scholars to be in reality what is nowadays denounced as "escapists." We escape into history or psychology or economics (which are relatively easy to discuss), and we hesitate to face the problem which remains when history or psychology or economics has done its uttermost. All three are useful enough in their way. The danger is in forgetting what that way is, and it ought to be one of the first cares of the critic "not to let his research interfere with his intellectual life."

BOOKS

Field Work in Bohemia

THIS ROOM AND THIS GIN AND THESE SANDWICHES. By Edmund Wilson. The New Republic. $1.

THERE are the people who work with materials: farmers, men in factories and on construction. There are the people who carry on the services that coordinate these acts: trainmen, telegraph operators, shipping hands. There are the people who keep the books involved in the productive and distributive pattern: the accountants, stenographers, filing clerks. There are the people who trade in the symbols by which the books are kept: bankers, financiers, speculators, promoters, business men. There are the people who coach the responses to these symbols: educators, publicists, journalists, editors, politicians. There are the "contradictions": people out of jobs, business men crippled by other business men, monopolists fighting monopolists, racketeers, gangsters, radical propagandists.

And there is a special, somewhat abstract, highly mobile group of people who may, with varying degrees of success, live off the total muddle. These are in part the people with income, and the entertainers, the artists. Materially they are rewarded, or hope to be. Occasionally they may "go away" to some earthy spot in search of, and sometimes in temporary discovery of, an idyll. When congregating they can build up a somewhat isolated world, with its own values, its own scandals, its own concepts of obligation, trial, heroism, and defeat. They are *on the fringes*—the fringes of political radicalism, of philosophy, of wisdom, of service, of the soil, of ecstasy and drought, of religion, of moralization and demoralization. They make up the stratum of life depicted in Wilson's three clever, engrossing, and moralistic plays.

The steam locomotive is said to be a very inefficient machine; but it is the essence of sound performance as compared with the operations of contemporary society—yet the social plant jerks along somehow, and while it continues it can manage to support a certain percentage of people in this mobile, abstract way of life, with their peculiar kind of secular "other-worldliness." In particular it did so during the war and post-war periods of inflation. And Wilson here gives us a vigorous and imaginative version of this way.

The three plays are points that plot a curve. In the first, "The Crime in the Whistler Room," we get a mixture of realism and fantasy serving as the rites of initiation. It is a ritual of rebirth, a shift in perspective exemplifying in imaginative terms the following proposition: If one abandons one mode of living for another, and the two seem sufficiently at odds, one can call the second mode "life" only by feeling that the earlier mode was "death." Hence we watch a preparation for bohemian "life" in contrast with a respectable family who act like corpses. The heroine is the Beatrice who guides the hero on his journey—and she helps a lot through being got by him with child, though he appears in some of the fantastic scenes as a werewolf.

In the second play, "A Winter in Beech Street," we are wholly within this special world. I doubt whether any one else will catch as well as Wilson does here the norms of sociality that developed about the theater projects of the Provincetown Players as the American center of bohemian protest. The inventiveness of the dialogue is very appealing; one is sometimes startled out of his engrossment at the sudden realization that it is even depicting *delirium tremens* joyously.

In the third, "Beppo and Beth," we come closest to attempts at finding a way out. And after a scene of violently alcoholic protest against the void lurking beneath alcohol, with one suicide stopped only by another attempted suicide, we end:

> BEPPO: We'll get married again tomorrow and we'll take the first boat to Mexico!
>
> BETH: Why Mexico!
>
> BEPPO: Because Mexico's the place where they make those little pottery animals!
>
> BETH: You broke the little bank just now when you pulled the tapestry down.
>
> BEPPO: I know; I want to get a new one!—The train to Mexico City will be our P. L. M. Express! We'll revive the old rebellion!
>
> BETH: You'd better pick up those pennies: we'll need them!

Not forgetting Chang and Chung, the Chinese servants, who had patiently, at intervals, explained to Beppo the Marxist theories of capitalist decay, and did it very well, with what

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looks like a good stage effect, in the midst of all the hubbub and the antics.

The talent and the incongruities of bohemianism are conveyed in lines that are bright and limpid. The void is made tremendously real, all the more so since the patter that conceals the void is given with verve. "Well, we may not have got the whole of everything," says Sally of the Beech Street Players in a moment of inventory, "but we've got something very precious at this moment—we've got this room and this gin and these sandwiches, and we've got each other's very agreeable company!" Or, as another character who has invented a new religion puts it: "All the religions of the past have either mortified the flesh in the interests of the spirit or have stinted the spirit in the interests of the flesh: and this is the first religion in history that has promoted the highest development of the spirit and at the same time facilitated the ecstasies of the flesh!"

If one would see Murger's world again, shown with an accuracy and taste for comedy that Murger's sentimentalizing made him incapable of, one should read these plays. And if one feels moralistic, he can discern on every page the pressure of the money economy behind the antics.

KENNETH BURKE

The Delphic Language

THE COMMERCE CLAUSE UNDER MARSHALL, TANEY, AND WAITE. By Felix Frankfurter. University of North Carolina Press. $1.

A STUDY of legal history is a means to judicial freedom. If idea, occasion, and issue are stripped away and only the stark lines of decision are left, the reasoned expediencies of one age become the decadent precedents of the next. The results of analysis become mere tags; verbal compulsion strips judgment of its balance of values; and the living law hardens into a system of rigidities—and "no formula can make great judges of little men." The past forever imposes its irrational pressure upon the present; and "unless we know history we may be unwittingly imprisoned by it." So Felix Frankfurter invokes historical perspective and with never so much as a reference shows the littleness of recent judicial utterances.

To secure an effective result he employs the utmost economy. He selects a single doctrine, "commerce"; he presents, from the past, three Chief Justices; his account runs barely beyond 100 pages; he uses the adroit phrase and the overtone of meaning to crowd the stuff of a page into a sentence. The beat of his compact, modernistic line is forever on the judicial process. Here is nothing of such questions as "What is commerce?" "Exactly where is the boundary between national and state authority?" or "What are the lines by which the category is pent in?" Instead the query runs to how "the power over commerce" as "a lawyer's artifice" is used as an instrument of judicial policy. In its preoccupation with commerce the Supreme Court has indulged in statecraft—but "a statecraft bound in by the restrictions of the adjudicatory process." The opportunity to speak arises only through "the accidents of unrelated and intermittent cases"; consideration is limited to "issues confined by the exigencies of the legal record"; elucidation is restricted to "the learning and insight of lawyers fortuitously selected"; and judgment is imprisoned "within legal habituations and past utterances."

For more than a century "commerce" has been a counter of judicial statecraft. The Constitution drew no line between state and federal authority; a state might act if the nation had not invaded the domain. In only three cases did Marshall have occasion to expound the doctrine of commerce, for questions of public control were not yet insistent. The opinions voiced by him are those of his court. If Marshall spoke, his brethren had to be conciliated; "Story had devotion to Marshall, but also vanity and views." And in his speech Marshall created a "dormant" federal power—exclusive in its domain—as a means of subjecting state legislation to federal judicial review.

Taney and Waite took a different view of the matter. Taney was unwilling "to open the door to judicial policy-making wider than the Constitution obviously required." So he was "tolerant of legislative freedom for the states" and willing to override a statute only if "in conflict with the law of Congress." Waite with a rare insight complained, "I cannot give the reasons as I wish I could"; but his outlook had no place for "any attempt to confine legislative powers by a mechanical formula." He sought to hold the court to its litigious orbit, for he believed that questions of public policy could not be handled within "the confined procedure of a lawsuit and the uncreative resources of judicial review."

It is, according to Frankfurter, style which makes the judge. "Humdrum, matter-of-fact, dry lawyer's English" is not likely "to carry a judge's reputation down the stream of history." The cathedral tones of Marshall and the severe clarity of Taney give long life to their utterances; the importance of Waite's cases alone saved him from oblivion. And the gift of style—which is really a tool of the craft—packs into the pages of this book far more of understanding than is to be had from ponderous tomes on the Constitution now emerging from the press. As Frankfurter quotes Maitland, "Today we study the day before yesterday, in order that yesterday may not paralyze today and today may not paralyze tomorrow." Here is history, in the service of current perspective, making a little clearer "the creative role of the Supreme Court" in giving meaning to "the Delphic language of the Constitution."

WALTON H. HAMILTON

Medicine and Public Health

AMERICAN MEDICINE: EXPERT TESTIMONY OUT OF COURT. The American Foundation. Two volumes. $3.50 the set.

IT is no slight to the medical profession that the American Foundation has found it necessary to make a survey of medical care as it stands today. The growth of large cities with their typical diseases, the advance of science, and changing economic conditions have all had their effects on the practice of medicine. The doctor cannot escape his environment.

Although the foundation fully appreciates that medical care is as important to the public as to the medical profession, it has made its survey through the eyes of the doctor. To complete the picture, it would be well to fill the recognized gap by investigating medical care from the point of view of the patient. The method of inquiry used was to send a form letter to some twenty thousand medical men of over twenty years' experience, distributed throughout the United States, and another letter to some five thousand young physicians recently licensed. The enormous volume of material contained in the thousands of replies was then boiled down.

These replies show in no uncertain terms the interest of the medical profession in the problem. But the analysis and synthesis presented in these two volumes could hardly have been worse. The task of summarizing the data

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was clearly beyond the powers of those engaged to do it. High-sounding sentences are all too frequent. The final conclusions on state medicine, quoted in part, are typical of the poor quality of the summarization, yet at the same time show the wealth of material that has been uncovered. "The views quoted in this chapter are in general the concrete proposals of the writers interested in evolutionary extension of the present functioning of government in the field of health and medical care. These views indicate a growing recognition that this evolutionary process may be expected progressively to continue, . . . that permanent and continuous cooperation between scientific medicine and the governments, national, state, and local, must be achieved, perhaps through a council of scientific medicine acting with public authorities."

Yet in spite of their defects, these two volumes represent a real advance. Other medical men can turn to them and see that the trend toward federal interest in national health is even now a reality. The difficulties of medicine can be attributed partly to the fact that it is becoming daily more a science and less an art. Modern medicine depends increasingly on the "thorough work-up," in the course of which blood, urine, and sputum are sent away for laboratory examination and the results returned to the doctor for his use. X-rays, cardiograms, blood counts, hormone determinations, all done on the same patient, furnish as complete a picture as modern science can draw of his condition at the time of examination. How can the private physician provide this service for even two patients a day? He cannot. He is obliged, more and more, to rely on laboratories. These are to be found only in the large centers of population, and even in these communities there are not enough of them. Such are the physical facts which are driving conscientious medical men to look to government assistance and control, or to such experiments as group practice.

These data should be handed over to some competent authority to be digested and summarized. They could then be presented in some 250 pages rather than 1,500, with corresponding improvement in coherence. The subject warrants a clear, concise statement.

HUGH H. DARBY

Gone with Anthony Adverse

AND SO—VICTORIA. By Vaughan Wilkins. The Macmillan Company. $2.50.

IF this picaresque novel does not head the new batch of best sellers it will be no fault of the author. Lodged in pre-Victorian England and built around the rivalries within the ruling family, the novel has the "glory and excitement" which have become the trademark of the past. Its 600-odd pages are swollen with passion, intrigue, and murder; and the reader is swept through a series of romantic escapades as he follows the career of the hero. Naturally enough, a point of surfeit is reached when the swoonings and seductions mount up, yet reading soon becomes automatic as the events of the novel pass before one like some historical pageant, with its lovers and rogues, its full-bosomed Cinderellas and scheming countesses, and its uniformed champions of chastity and honor. Nor are the close-ups of crime and perversion unduly offensive, for Mr. Wilkins's euphemisms keep these gruesome episodes well within the limits of respectability—a respectability, in fact, as archaic as the story he tells.

At bottom, "And So—Victoria" is a simple and sentimental tale of the fortunes of Christopher Harnish, from his tortured youth to his swashbuckling manhood. The child of an incestuous marriage, Christopher is snatched up by one royal guardian after another in the course of the struggle for power within the reigning bureaucracy. Not until he reaches maturity, however, does Christopher discover the secret of his parentage, and except for some boudoir predicaments in which he barely escapes seduction, the rest of the novel is given to Christopher's efforts to repudiate his ancestral taint. A number of duels fail to provide the necessary catharsis: he tours the world; he foils a plot to prevent the succession of Victoria to the throne; finally his frantic search for some act which will plunge him into an honorable existence ends in the arms of a renowned actress. Countless other people play their part in the novel, but they are hardly more than accomplices in the adventures of Christopher. They do, however, provide an atmosphere of regal pomp and gossip, living in a kind of glass house where they constantly expose their most intimate activities to each other and to the reader.

As though to insure the pace of the narrative, none of the characters is burdened with consciousness, and Christopher is equipped with the mentality of a foreign legionnaire. In this respect "And So—Victoria" seems admirably suited for Hollywood production as a historical drama, with perhaps very few changes, for even in its present form it has episodic variety, physical conflict, fireside idealism, and the therapy of love. The novel combines the pageantry of history with the adventures of fiction. Unfortunately, there is a contradiction between its streamlined action and its Victorian sensibility; but that is a failing which the historians of Hollywood can easily overlook.

WILLIAM PHILLIPS

The Consumer and His Money

THE BACKWARD ART OF SPENDING MONEY. AND OTHER ESSAYS. By Wesley C. Mitchell. McGraw-Hill Book Company. $3.

THE FIRST essay in this volume, The Backward Art of Spending Money, was written in 1912; the last, Economics, 1904-1929, in 1931. The papers were prepared for different occasions and at regular intervals. While many deal with economic themes, the subject is, as often as not, economics itself, or the social sciences inclusively. Again, it may be a man and his ideas—Veblen, Commons, or Bentham—that is under discussion. The common denominator is the thought and point of view of an able, reflective, and broadly interested mind, an agreeable, easy style, and a concern with economics which includes its history, its methods, its systems, and its point of contact with social life generally.

One of the earliest of these essays, and yet one of the timeliest, is the title piece, The Backward Art of Spending Money. Although it has been part of the literature of consumption for twenty-five years, it takes on new value in the contemporary discussions of consumers and their problems. Most of the points currently presented as "discoveries" of the consumer's position (perhaps they are; there is a wide difference between discovery and priority) are made somewhat more clearly and thoughtfully in this essay.

Dr. Mitchell clearly indicates that family organization for production and consumption is divided in modern life and that the separation is through changes in carrying on production rather than consumption. He considers the degree to which the dominance of women in spending is a factor in the backwardness of the art. He shows how scientific research

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in physics and chemistry feeds production advance, while the arts of consumption await similar nourishment from physiology and psychology. So with values. The relatively prompt and precise answers which the business man finds in the market are not the replies for the housewife.

But to what is it that she seeks a reply? Is it merely to a better comprehension of the scale of conventional values provided ready made, or to deeper and more philosophic ends? It is through the raising of this issue that a reading of The Backward Art of Spending Money would wholesomely leaven the ideas of many who assume that the cure for all consumer problems will be found in grading, labeling, and housewife science (good as these are), or in less capitalistic advertising and salesmanship and more consumer cooperative selling, more national planning, and a different distribution of national income.

The book is not avowedly presented as a mark of recognition, but to many it will appear to be something of a monument suggesting the abilities, variety, and unity of interest of Dr. Mitchell's mind. LEVERETT S. LYON

Johnny Johnson's War Memoirs

MY WAR WITH THE UNITED STATES. By Ludwig Bemelmans. The Viking Press. $2.50.

MR. BEMELMANS, who came to America from the Tyrol expecting to shoot Indians and joined the army instead, was sent during the World War to guard lunatics in a New York military camp. There he collected acquaintances and adventures thriftily, studied the American scene with a perspicacious if slightly impertinent eye, and recorded his conclusions in a diary that reads like a catalogue to our national portrait gallery with explanatory notes by Lewis Carroll's Alice. The brilliance of Mr. Bemelmans's observations on American characters and characteristics is undeniable. He is a born raconteur, and, like an Old World Johnny Johnson, proclaims many truths in few words. He loses no time in understanding that more than geography separates Germany from the United States, that Americans resent authority, are skeptical of dignity, and clamor to learn any fantastic dance except the goose-step. Ever mindful of his own German training, he is courteous and wise enough to hide his sarcasms under a naivete of statement that is meant to be disarming.

Yet there is a danger in Mr. Bemelmans's brilliance, as there is in that of a forward child or a hurried traveler. When the reader gets the glare of bright colors out of his eyes he realizes that he has been looking at a deftly drawn two-dimensional picture of a three-dimensional scene. Americans are not as they seem. It is easy to be witty at the expense of a widow from Scranton with a new permanent wave and a Bronx family quarreling among its mission oak, and to appear profound by cultivating a superior attitude of understatement. The warmth of feeling the author infuses into a few nostalgic pages about his uncle's inn in the fatherland serves only to show up the cold scintillation of the rest of the book. Yet when one has allowed for surface charm and inaccurate conclusions, the diary still makes amusing reading and is bound to be informative to those interested in how Americans look to their foreign neighbors. Mr. Bemelmans has decorated his text with illustrations that promise at first to have the directness of Rousseau and the conciseness of Klee but turn on close examination into just drawings by a talented German amateur. TOM SQUIRE

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RECORDS

THE new Victor set of Beethoven's Quartet, Opus 59, No. 2 (four records, $8), provides new evidence of the fact that the playing of the Budapest String Quartet—in its unanimity of understanding, feeling, execution, its precision of intonation and beauty and balance of tone, its warmth and vitality, and withal its unfailing purity and distinction of style—represents the highest excellence in its province. On the other hand, Victor's album of songs sung by Flagstad (five records, $7.50) reminds us that her present international career follows a career of twenty years in Oslö. Like her recital programs, the album is overloaded with songs of the old local career—five by Grieg, one by Alnaes. Worse are the two songs in English—Cyril Scott's "Lullaby" and Charles's "When I Have Sung My Songs"—acquired for the new international career. What remain are two songs of Beethoven: "Die Ehre Gottes in der Natur" and "Ich liebe dich." And of course Flagstad herself, who in the worst trash no less than in the exquisite "Ich liebe dich" commands wonder not only with the physical beauty of her singing but with its musical quality—the unfailing rectitude of the feeling for the phrase that manifests itself in the coloring and placing of every tone.

Matching the unusual conciseness, for Brahms, of his Third Symphony is the unusual directness, for Bruno Walter, of his performance with the Vienna Philharmonic, which is the finest of those now available (Victor: four records, $6.50). Except for a ringing quality and sharpness in the high register of the violins, which can be reduced by use of non-metallic needles, the recording is excellent.

On Victor single records Stokowski nullifies Debussy's precise and fastidious sense for timbre, evident in the cool tone of the piano in "Clair de lune" ("Moonlight"), with a lush orchestral arrangement and performance of the piece by the Philadelphia Orchestra ($1.50); Schnabel is heard in superb performances of Beethoven's Rondo, Opus 51, No. 1, and "Für Elise," assembled from odd sides of album sets ($2); in the Andante from Bach's Sonata in A minor and the Sarabande from the Partita in B minor, both for violin unaccompanied, one is aware chiefly of difficulties of the medium being overcome by Menuhin ($2); if you like Heifetz's playing you will like it in Vivaldi's Suite in A (recorded recently by Milstein as a sonata) ($1.50); the B.B.C. Symphony, under Boult, does well with Walton's gay overture, "Portsmouth Point" ($1); there is a little nervous tautness in brilliant performances by Ormandy and the Philadelphia Orchestra of the charming Dance of the Apprentices and the Entrance of the Mastersingers from Act 3 of "Die Meistersinger" ($1.50).

Of recent records of the Benny Goodman Quartet (Victor) I like "Vibraphone Blues" and "Runnin' Wild" best; but I continue to wish the quartet were the trio once more. "Honky-tonk Train Blues" (Victor), played on the piano by Meade (Lux) Lewis, is unique; and the records of the Quintet of the Hot Club of France (Victor and Decca) offer phenomenal guitar-playing by Django Reinhardt.

Timely Records, Inc., has issued spirited performances, by the Manhattan Chorus and Mordecai Bauman under the direction of Elie Siegmeister, of several strike songs: "Sit Down," "Casey Jones," "On the Picket Line," "We Shall Not Be Moved," "Hold the Fort," "Solidarity Forever."

B. H. HAGGIN

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Letters to the Editors

Dramatic Incident

Dear Sirs: With the aid of "an agitated voice," a "sigh," a "handkerchief," a "gust of despair," and a "back" that he "will never forget," Mr. Grobin has made a very dramatic incident out of his meeting with me in Johnstown. If I had anything to be ashamed of I would hide behind the anonymity which he has given me. But he has made me out a coward and a hypocrite, and I resent it for myself and for my profession, which is frequently the victim of the man who finds this a cheap way to get a hand from left-wing audiences. To be suspected as a "semi-Communist" by some of the extreme conservative elements of one's own town, and then to be used as a horrible example of a kept preacher of the Bethlehem Company—well, it is something of a laugh.

In our first conversation I had a natural reserve in the presence of one who introduced himself as a reporter of a metropolitan daily, as I later told him; I therefore gave him a noncommittal answer when he asked me if I were a "McConnell Methodist." I had no need to hide from any of my own men, as he implies, the fact that I am an admirer of Bishop McConnell and agree in general with his point of view. They all know it, as I also told him.

And the paper which I so excitedly "thrust" at him! Mr. Grobin did not state in *The Nation* that this was presented to him for the purpose of subjecting its contents to criticism after he had made what I thought would be valuable observations in our community. Our only difference of opinion at the time was whether a majority of the Bethlehem workers were out on strike or not at the time Governor Earle shut down the mill. Subsequent developments have justified my opinion, not his.

I am a liberal, as Mr. Grobin rightly judged from the sermon he heard me preach. May I remind him of its text? "Pilate saith, What is truth? And when he had said this he went out." Perhaps you can tell me why it is that there are always liberals who try to support the cause by exaggeration, intolerance, and cynicism, when truth itself is a far better instrument?

There *are* phony things in Johnstown, as there are everywhere else (even in news reporting), and a struggle such as we have had shows some of them up. But it does no good to add to the number. Too many of Mr. Grobin's "facts" are phony, including the item that the "Bethlehem Steel Company contributes to the support of all Johnstown's churches." I know of no church of which this is true.

WILLIAM K. ANDERSON

Johnstown, Pa., July 10

Look at the Record

Dear Sirs: Mr. Anderson has seen fit to identify himself as the minister to whom I referred in my article. That the article did not mention his name or denomination should be sufficient proof that the aim was to expose not minor personalities but major forces of pressure behind the steel strike in his city. This reply to his letter still maintains that attitude. I am taking the time and *The Nation's* valuable space to reply to him as a symbol and not as a person. Let us turn to the record:

Mr. Anderson personally drafted the resolution on June 21 asking Governor Earle to rescind martial law at Johnstown. He repeated in that resolution the reactionary propaganda that the civil authorities must maintain the right to work equally with the right to strike. Who wanted the martial law rescinded? Was it the strikers, with whose cause Mr. Anderson told me he sympathized? No. It was the Bethlehem Steel Company.

Next, why did Bethlehem want martial law withdrawn? Because the order proclaiming martial law disbanded the vigilantes whose violence was serving to break the strike, prevented the Johnstown police from terrorizing pickets, and because, objectively, by keeping the steel mills shut it was helping the union win the strike. Whose chestnuts, then, was Mr. Anderson pulling out of the fire?

As a "liberal" he espoused the so-called right to work as being as sacred as the right to strike. Is it as a liberal that he echoed this subtle reactionary propaganda of the vigilante citizens' committee of Johnstown? Is the right to work meant to protect workers honestly opposed to a strike? Or is it meant to protect strikebreakers and to serve as a "cover" for back-to-work campaigns which by physical terrorization and by economic intimidation drive strikers into deserting their fellows?

Has it not occurred to him that in practical and objective terms the right to work can be protected in only one way—by sending in the armed forces of the state to balk, terrorize, and destroy strikers' picket lines; in short, by breaking the strike?

Then, on July 4, Mr. Anderson preached a "strike sermon." In that sermon he demanded incorporation of unions, he imputed all violence in the steel strike to the unions and none to the steel companies, he attempted to persuade his parishioners that employer opposition to unionization had dwindled to minor proportions, and he condemned the "coercion" used by labor leaders to force workers into unions.

Mr. Anderson further deplored the "opportunities" the Wagner Act has given "racketeers to use labor for their own wicked purposes." And he illustrated the argument with that utterly fantastic story of the "bulldozing foreigner with two pistol-toting bodyguards, who owned a labor union" and "summarily rubbed out all the honest workers who demurred at paying him tribute" of a dollar a week.

By the way, he was mistaken when he assured his parishioners that "the railway unions have not lost anything by being incorporated." They are not incorporated. Maybe that's one reason they haven't lost anything.

All of the foregoing are positive acts. Now, how about the negative acts—the sins of omission? Ten days after the strike broke out in Johnstown Mr. Anderson wrote his notorious resolution. It was "justice" for his community he was seeking, he said. But for ten days before, the mayor of Johnstown and his police were inflicting outrageous injustice on members of Mr. Anderson's community. Why did he not write resolutions about that? As typical of the scores of cases that can be cited, why did he keep silent when Mayor Shields sentenced Thomas Meyers, a striker, to ninety days in jail or $100 fine and costs? His crime? He picked up a rag from the ground to wipe some mud off his shoes. The arresting officer, Corporal Tebelin, admitted Meyers did nothing with the rag, but said he thought Meyers might have intended to throw it at someone. Also, why no resolutions when Mayor Shields gave the same sentence to Charles Dragovich, a striker, for sit-

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ting admittedly peacefully on a fence a block away from the picket line? Or when Policeman Krise shot two strikers and Mayor Shields congratulated him on his fine marksmanship?

ALLEN GROBIN

New York, N. Y., July 18

Certain Inaccuracies

Dear Sirs: As a resident of Johnstown and a member of the middle class, I am compelled to protest against certain inaccuracies in Allen Grobin's article in the July 10 issue of *The Nation* which greatly mar its effectiveness. The author states, for example, that "there is only one bank in Johnstown . . . which does all of Bethlehem's business." Actually there are at least seven banks in Johnstown, although the United States Bank does handle Bethlehem's business. It is similarly untrue to say that the Penn Traffic is the only department store at Johnstown. There are actually three or four, one of which is possibly even larger than the Penn Traffic.

More serious is the accusation that the Bethlehem Steel Corporation contributes to the support of all Johnstown churches, whose wealthiest parishioners are steel executives. This is untrue. I have access to the financial reports of the two largest Methodist churches. One of them has no steel executives at all, and the nearest to steel executives in the downtown Franklin Street Church are some white-collar men. So far as I know there is only one steel executive in town who goes regularly to church, and there are certainly none in the church of the minister mentioned in your article. One dropped out of his church several years ago, declaring the minister was a "Bolshevik," and an officer in the United States Bank dropped out this spring on similar grounds.

MRS. C. M. HOOVER

Johnstown, Pa., July 15

Militance and Realism

Dear Sirs: I wish to express my admiration for the consummate skill with which your reviewer, Mr. Lore, has taken every opportunity to misunderstand my book on fascism. To make me appear "ardently optimistic" over the prospects for the workingman in fascist countries, he quotes a passage which I had marked as a purely theoretical "blueprint"—and is silent about my many references to the fascist practice of depressing real wages and giving immaterial benefits to labor in exchange. Words to the effect that the fascist party machines were organized for other than warlike reasons in Mr. Lore's register look like an assertion that fascism as such is pacific, although I have devoted a full chapter to the thesis that it will always tend to embroil itself in international conflicts. Indignantly Mr. Lore then asks how I can say that there is freedom under fascism, referring to a phrase torn from a chapter entirely designed to show that freedom, as *we* understand it, is, under fascism, a logical impossibility. Altogether he confronts me accusingly with "things as they really are" and carefully overlooks the fact that my avowed purpose was not to describe present conditions in Italy or Germany but to acquaint the American public with the mentality of the fascist rank and file.

It is only natural that to German Socialists like Ludwig Lore the regime of Hitler seems a nightmare, imposed by a force of darkness upon the "real" Germany in which and for which they have spent the better part of their lives. Hope that the future might revive the past is what keeps most of the exiles going. But the people of other countries have to make up their minds whether they want, out of sympathy with the victims of fascism, to falsify their own picture of its supporters. It is not a question of siding with or against the anti-fascists.

If Mr. Lore asks how I can dispute "the evident fact" that fascism is the creature of capitalists afraid of working-class action, I refer him to the latest issue of *Foreign Affairs,* in which one of Germany's foremost monopoly capitalists voices their distaste for the Hitler regime in no uncertain terms. If Mr. Lore tells me that opposition in Germany and Italy is growing and not abating, I challenge him to name one responsible and disinterested newspaper correspondent who found in the last two years that the normal and never avoidable displeasure of particular groups at particular grievances has spread into a comprehensive and increasing sentiment against the fascist regimes as such. Or even that any one group's resentment has grown vivid enough to create solidarity with other sufferers; that Germany's fighting churchmen showed sympathy with disfranchised labor, or the exploited consumer with the scapegoat Jew.

Mr. Lore accuses me of not drawing a "militant" conclusion, like the one he quotes from Robert Brady's book. I plead guilty. But I should like to point out that even according to Marxist history books this country's "wars of freedom against a tyrannical power" were instigated and fought by the capitalist class of the time and that at least the brains which built its wealth and culture were mostly capitalist brains. Mr. Lore concludes that I am a defeatist. From his angle, I probably am. I do not believe that the world faces a choice between fascism and communism. I believe that progressive aims can be realized without social upheaval. And I happen to dislike the idea of saving democracy from fascism, only to fatten it for the proletarian revolution. I have full confidence in American democracy, and I think I have expressed it in my book, but I fear that its supporters will labor under a great handicap if they let self-appointed auxiliaries prevent them from really learning what they are up against.

E. B. ASHTON

New York, July 15

Ideology of the Dance

Dear Sirs: In his article, New Forms of the Dance, in your issue of June 12, Mr. Love nominates Doris Humphrey's trilogy, "Theater Piece," "With My Red Fires," and "New Dance," as "undoubtedly the strongest work to date" in the dance field. I, for one, view it as one of the most confused, utopian, and equivocal compositions produced by any dancer of note these last seasons. Now Doris Humphrey has been superbly active in various dancers' collective and progressive organizations; she has looked to the social scene for the subject matter of her work; generally she has followed the line of the liberal who, because of circumstance if not conviction, has unavoidably moved left. But a certain lack of clarity, a confusion that is primarily a post-war hangover of impressionism, symbolism, expressionism, has marked her work to the degree that it may easily develop in a direction completely contrary to the dancer's intention. Miss Humphrey's "Theater Piece" represents a futile, isolated, and utopian opposition. Nothing comes from this sort of revolt. It lacks material strength and is buried in psychological and spiritual sentimentalities.

When Mr. Love represents Martha Graham's ideologically well-built "Chronicle" merely as a series of foot movements, changes of costume and of décor, he reveals how completely his approach to dancing is concerned with technical exhibition to the exclusion of idea. All his mention of social idea has a tinny and unconvincing sound. Apropos of his heroic closing call for the removal of modern dance from "Sunday night cultism," is he not aware of the WPA pro-

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duction of Tamiris's "How Long Brethren?" (unequivocal Negro songs of protest) and Charles Weidman's satiric "Candide"? These have been playing to standing room only every night for the past six weeks! I have no reason to debate at length with Mr. Love on esthetic preference, but if the "substance of the dance" is to be considered "movement—not story, not pantomime, not music—but movement," then the dance will prove a rather sorry, thin, and meaningless medium for both artist and audience.

OWEN BURKE

New York, June 14

Catalans Don't Like Franco

Dear Sirs: A few weeks ago you wrote in one of your editorial notes that "the Catalans have done very little to help the Loyalists win the war." The reverse being generally known, I dismissed the statement as a harmless remark. Now comes Louis Fischer in a cable from Madrid (July 17, page 62) charging that "Franco has many friends among the Catalan separatists." This I cannot pass without a few words of dissent, for, if not corrected, it is likely to produce some confusion in your readers' minds. The "unified" Spain proclaimed by Franco and a "separated" Catalonia are as far apart as the North and South Poles. Furthermore, Franco being the embodiment of everything which is repellent to the Catalan character and ideals, I doubt whether it would be possible to find a single sane Catalan willing to call this traitor his friend.

JOAN DEL PLA

New York, July 19

Claim Sustained

Dear Sirs: The Nation for June 26, 1937, describes Richard L. Neuberger as "a Seattle journalist." Now, California attempts to arrogate to itself Crater Lake, which is located in Oregon, as well as Mount Hood, but is usually rebuffed in its efforts by the Portland Chamber of Commerce.

Everyone in this part of the country knows that Mr. Neuberger was born, raised, and cut his eyeteeth in Portland, Oregon, and that he still makes Portland his headquarters. We demand that you relocate Mr. Neuberger in Portland—though the Portland Chamber of Commerce, which usually concerns itself with such geographic inaccuracies, would in this case probably be very glad to lose Mr. Neuberger to Seattle.

ARTHUR A. TARLOW

Portland, July 1

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